

T H E
HISTORY
O F

King JAMES's
Ecclesiastical Commission:

Containing all the Proceedings against

The Lord Bishop of London;
Dr. Sharp, now Archbishop of York;
Magdalen College in Oxford;
The University of Cambridge;
The Charter-House at London; and
The Seven Bishops.

W I T H
A short Account of the LIVES and CHARACTERS
of the COMMISSIONERS.

Intermix'd with several curious LISTS and
MEMOIRS, never before printed.

To which are added,
An EPITAPH design'd for an Ecclesiastical Com-
missioner: *A SPEECH* to the King of Poland:
and *A VINDICATION* of a True Patriot.

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T H E
H I S T O R Y
O F T H E
Ecclesiastical C O M M I S S I O N.

TH E People of *England* being very sensible that the Design of King *James II.* and his Court was to introduce Popery in his Dominions; the Clergy in a more particular manner thought it a Duty highly incumbent upon them not to be silent in the common Danger; and therefore form'd their Sermons and publick Discourses more expressly against the Errors and Corruptions of the Church of *Rome*. But that unhappy Prince being taught to believe, that whatever was said against his Religion, was a Reflection upon his Person and Government, resolv'd to restrain the Liberty of the Pulpit. To which end, he order'd the *Directions concerning Preachers*, publish'd in 1662, to be reprinted; and reinforc'd 'em with a Letter directed to the Lords the Archbishops of *Canterbury* and *York*, given at *Whitehall* the 5th of *March*, 1685. in the second Year of his Reign, to prohibit *Preaching upon controverted Points*. His Order was a kind of Prohibition to the Clergy, to defend their Religion in the Pulpit, when at the same time it was attack'd by the Popish Priests, with all the Vigour and Virulency they were capable of, both in their Sermons and Books. It was taken from a Precedent in Queen *Mary's* Time, seeing the

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first Step which she made to introduce Popery (notwithstanding her Promises to the Gentlemen of *Norfolk* and *Suffolk* to the contrary, upon their appearing the first of any for her Right, at her Brother's Death) was to issue out a Proclamation, forbidding the Preaching upon controverted Points of Religion, for fear, as was said, of raising Animosities among the People. But the Clergy, notwithstanding this enjoining Letter of King *James*, persisting firmly in their Duty; to curb and silence them, a new Court of Inquisition was erected, under the Name of a Commission for Ecclesiastical Affairs; and to blind the People, some Bishops of the Church of *England* were nam'd in it. The Commission it self ran in these Terms.

James II. By the Grace of God, King of *England, Scotland, France and Ireland,*
Defender of the Faith, &c.

TO the most Reverend Father in God, our Right Trusty, and Right well-beloved Counsellor, William Lord Archbishop of Canterbury, Primate of all *England* and Metropolitan; and to our Right Trusty and well-beloved Counsellor, George Lord Jefferys, Lord Chancellor of *England*; and to our Right Trusty and Right well-beloved Cousin and Counsellor, Lawrence Earl of Rochester, Lord High Treasurer of *England*; and to our Right Trusty and Right well-beloved Cousin and Counsellor, Robert Earl of Sunderland, President of our Council, and our Principal Secretary of State; and to the Right Reverend Father in God, and our Right Trusty and well-beloved Counsellor, Nathaniel Lord Bishop of *Duresme*; and to the Right Reverend Father in God, our Right Trusty and well-beloved, Thomas Lord Bishop of Rochester; and to our Right Trusty and well-beloved Counsellor, Sir Edward Herbert, Knight, Chief Justice of the Pleas before us to be holden assign'd, Greeting. We for divers good, weighty and necessary Causes, and Considerations, Us
hereunto

hereunto especially moving, of our mere Motion and certain Knowledge, by force and virtue of our Supream Authority and Prerogative Royal, do assign, name, and authorise, by these our Letters Patents under the great Seal of England, you the said Lord Archbishop of Canterbury, Lord Chancellor of England, Lord High Treasurer of England, Lord President of our Council, Lord Bishop of Duresme, Lord Bishop of Rochester, and our Chief Justice aforesaid, or any three or more of you, whereof you the said Lord Chancellor to be one, from Time to Time, and at all Times during our Pleasure, to exercise, use, occupy and execute under Us, all manner of Jurisdiction, Privileges and Preheminences, in any wise touching or concerning any Spiritual or Ecclesiastical Jurisdictions, within this our Realm of England, and Dominion of Wales; and to visit, reform, redress, correct and amend all such Abuses, Offences, Contempts and Enormities whatsoever, which by the Spiritual or Ecclesiastical Laws of this Realm can, or may lawfully be reform'd, order'd, redress'd, corrected, restrain'd or amended, to the Pleasure of Almighty God, and encrease of Vertue, and the Conservation of the Peace and Unity of this Realm. And we do hereby give and grant unto you, or any three or more of you, as aforesaid, whereof you the said Lord Chancellor to be one, thus by Us nam'd, assign'd, authoriz'd and appointed, by force of our Supream Authority and Prerogative Royal, full Power and Authority from Time to Time, and at all Times during our Pleasure, under Us to exercise, use and execute, all the Premises, according to the Tenor and Effect of these our Letters Patents, any Matter or Cause to the contrary in any wise notwithstanding. And we do by these Presents give full Power and Authority unto you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, by all lawful Ways and Means, from Time to Time hereafter, during our Pleasure, to enquire of all Offences, Contempts, Transgressions and Misdemeanors, done and committed contrary to the Ecclesiastical Laws of this our Realm, in any County, City, Borough, or other Place or Places, exempt or not exempt, within this our Realm of England and Dominion of

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Wales, and all and every of the Offender or Offenders therein, and them and every of them, to order, correct, reform, and punish, by Censure of the Church. And also we do give, and grant full Power and Authority unto you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, in like manner as is aforesaid, from Time to Time, and at all Times during our Pleasure, to enquire of, search out, and call before you, all and every Ecclesiastical Person or Persons, of what Degree or Dignity soever, as shall offend in any of these Particulars before mention'd; and them and every of them to correct and punish, for such their Misbehaviours and Misdemeanors, by suspending or depriving them from all Promotions Ecclesiastical, and from all Functions in the Church, and to inflict other Punishments or Censures upon them, according to the Ecclesiastical Laws of this Realm. And further, we do give full Power and Authority unto you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, by virtue hereof, and in like manner, and as is aforesaid, to enquire, hear, determine, and punish all Incest, Adulteries, Fornications, Outrages, Misbehaviours and Disorders in Marriages, and all other Grievances, and great Crimes and Offences, which are punishable or reformatable by the Ecclesiastical Laws of this our Realm, committed or done, or hereafter to be committed or done in any Place, exempt or not exempt, within this our Realm, according to the Tenor of the Ecclesiastical Laws in this behalf; granting you, or any three or more of you, as is aforesaid, whereof you the Lord Chancellor to be one, full Power and Authority to order and award such Punishment to every such Offender, by Censures of the Church, or other lawful Ways, as is aforesaid. And further, we do give full Power and Authority to you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, to call before you, or any three or more of you, as aforesaid, whereof you the said Lord Chancellor to be one, all and every Offender and Offenders in any of the Premises; and also all such as by you, or any three or more of you, as is aforesaid, whereof you the

the said Lord Chancellor to be one, shall seem to be suspected Persons in any of the Premises, which you shall object against them, and to proceed against them, and every of them, as the Nature and the Quality of the Offence, or Suspicion in that behalf shall require; and also to call all such Witnesses, or any other Person or Persons that can inform you concerning any of the Premises, as you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, and them and every of them, to examine upon their Corporal Oaths, for the better Tryal and Opening of the Truth of the Premises, or any part thereof: And if you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, shall find any Person or Persons whatsoever obstinate or disobedient in their appearance before you, or any three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, at your Commandments, or else in not obeying or not accomplishing your Orders, Decrees, and Commandments, or any thing touching the Premises, or any part thereof, or any other Branch or Clause contain'd in this Commission; that then you, or any three or more of you, as aforesaid, whereof you the said Lord Chancellor to be one, shall have full Power and Authority to punish the same Person or Persons offending, by Excommunication, Suspension, Deprivation, or other Censures Ecclesiastical: And when any Persons shall be convened or prosecuted before you, as aforesaid, for any of the Causes above express'd, at the Instance or Suit of any Person prosecuting the Offence in that behalf, that then you, or any three or more of you, as aforesaid, whereof you the said Lord Chancellor to be one, shall have full Power and Authority to award such Costs and Expences of the Suit as well to and against the Party, as shall prefer or prosecute the said Offence, as to and against the Party or Partys that shall be convened, according as their Causes shall require, and to you in Justice shall be thought reasonable. And further, our Will and Pleasure is, that you assume our well-beloved William Bridgman, Esq; one of the Clerks of our Council, or his sufficient Deputy or Deputys in that behalf, to be your Register, whom we do by these Presents depute to that effect,

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for the registering of all your Acts, Decrees and Proceedings, by virtue of this our Commission; and that in like manner you, or any three or more of you, whereof you the said Lord Chancellor to be one, by your Discretions shall appoint one or more Messengers, and other Officer or Officers, necessary and convenient to attend upon you for any Service in this behalf. Our Will and expresse Commandment also is, That there shall be two Paper Books indented and made, the one to remain with the said Register, or his sufficient Deputy or Deputys, the other with such Persons and in such Places as you the said Commissioners, or any three or more of you, whereof you the said Lord Chancellor to be one, shall in your Discretion think most fit and meet: In both which Books shall be fairly entered all the Acts, Decrees and Proceedings made or to be made, by virtue of this Commission. And whereas our Universitys of Oxford and Cambridge, and divers Cathedral and Collegiate Churches, Colleges, Grammar-Schools, and other Ecclesiastical Incorporations have been erected, founded, and endowed by several of our Royal Progenitors, Kings and Queens of this Realm, and some others, by the Charity and Bounty of some of their Subjects, as well within our Universitys, as other Parts and Places, the Ordinances, Rules and Statutes whereof are either imbezled, lost, corrupted, or altogether imperfected; We do therefore give a full Power and Authority to you, or any five or more of you, of whom we will you the afore-named Lord Chancellor always to be one, to cause or command in our Name, all and singular the Ordinances, Rules and Statutes of our Universitys, and all and every Cathedral and Collegiate Churches, Colleges, Grammar-Schools, and other Ecclesiastical Incorporations, together with their several Letters Patents, and other Writings, touching or in any wise concerning the several Erections or Foundations, to be brought and exhibited before you or any five or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one; willing, commanding, and authorizing you, or any five or more of you, as aforesaid, whereof you the said Lord Chancellor to be one, upon the exhibiting, and upon diligent and deliberate View, Search and Examination of the said Statutes,

tutes, Rules and Ordinances, Letters Patents, and Writings, as is aforesaid, the same to correct, amend, and alter. And also, where no Statutes are extant in all or any of the aforesaid Cases, to devise and set down such good Orders and Statutes, as you, or any five or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, shall think meet and convenient to be by us confirmed, ratified, allowed, and set forth for the better Order and Rule of the said Universitys, Cathedrals, and Collegiate Churches, Colleges, and Grammar-Schools, Erections and Foundations, and the Possessions and Revenues of the same, as may best tend to the Honour of Almighty God, Increase of Vertue, Learning, and Unity in the said Places, and the Publick Weal and Tranquillity of this our Realm. Moreover our Will, Pleasure, and Commandment is, That our said Commissioners, and every of you, shall diligently and faithfully execute this our Commission, and every Part and Branch thereof, in manner and form aforesaid, and according to the true meaning hereof, notwithstanding any Appellation, Provocation, Privilege, or Exemption in that behalf, to be made, pretended, or alledged by any Person or Persons, resident or dwelling in any Place or Places, exempt or not exempt, within this our Realm, any Laws, Statutes, Proclamations or Grants, Privileges, or Ordinances, which be or may seem to be contrary to the Premises, notwithstanding. And for the better Credit and more manifest Notice of your Doing in Execution of this our Commission, our Pleasure and Commandment is, That to your Letters Missive, Processes, Decrees, Orders, and Judgments, for or by you, or any three or more of you, as is aforesaid, to be awarded, sent forth, had, made, decreed, given, or pronounced, at such certain Publick Places, as shall be appointed by you, or any three or more of you, as is aforesaid, for the due Execution of this our Commission, some three or more of you, as is aforesaid, whereof you the said Lord Chancellor to be one, shall cause to be put and fixed a Seal, engraven with the Rose and Crown, and the Letter J. and Figure 2 before, and the Letter R. after the same, with a Ring or Circumference about the same Seal, containing as followeth; *Sigillum Commissariorum*

missariorum Regiæ Majestatis ad Causas Ecclesiasticas. *Finally, We Will and Command all, and singular other our Ministers and Subjects, in all and every Place and Places, exempt and not exempt, within our Realm of England and Dominion of Wales, upon any knowledge or request from you, or any three or more of you, as is aforesaid, to them or any of them given or made, to be aiding, helping and assisting unto you, and to your Commandment, in, and for the due executing your Precepts, Letters, and other Processes requisite in, and for the due executing of this our Commission, as they and every of them tender our Pleasure and Will, to answer the contrary at their utmost Perils. In Witness, &c.*

Court dissatisfied with the Bishop of London, and why.

These Commissioners thought fit to begin the Exercise of their new Power with the Suspension of Dr. Compton, Bishop of London. This Noble Prelate, by a Conduct worthy of his Birth and Station in the Church, had acquir'd the Love and Esteem of all the Protestant Churches at home and abroad, and was for that reason *the Mark of the Envy and Hatred of the Romish Party at Court*, which had for some time born a particular Grudge to his Lordship on another account: for after the King had triumph'd over the Duke of Monmouth, and the poor Wretches his Followers in the *West*, he plainly discover'd by his Speech in Parliament his Resolution to make use of the Services of his Popish Officers in the Army, tho expressly contrary to Law; against which the Commons were going to Address. The Bishop, notwithstanding the Lords had voted Thanks to the King for his plain-dealing Harangue, mov'd in the Name of himself and all his Brethren, to have the Speech debated; which as it was extraordinary and unusual in the House, so was it not less surprizing to the King and Court: and therefore an Occasion was rather taken by than given to the New Commissioners to ennoble their *Ecclesiastical Commission* with such an illustrious Sacrifice, in the Business of Dr. Sharp, now Archbishop of York.

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The Priests about the King, knowing how much it was their Interest that the Protestant Clergy shou'd not have leave to refute the Errors of the Church of *Rome* in their Sermons, had advised him to send to the Bishops the ensnaring Letter or Order before-mention'd, containing Directions about Preachers. The Learned Dr. *Sharp* (whom the Jesuit *Orleans*, in his *Revolutions of England*, rudely calls the railing Parson) taking occasion, in some of his Sermons, to vindicate the Doctrine of the Church of *England* in opposition to Popery; this was in the Court Dialect understood to be endeavouring to beget in the Minds of his Hearers an ill Opinion of the King and his Government, by insinuating Fears and Jealousys to dispose them to Discontent, and to lead them into Disobedience and Rebellion, and consequently a Contempt of the said Order about Preachers. Upon which King *James* sent a Letter to the Bishop of *London*, and it was delivered him at *Fulham*, on *Thursday*, June 17. by *Atterbury* the Messenger, who always had been fond of such Messages, and is now employ'd in a higher Post, being Clerk of the Cheque to the Messengers.

James R.

Right Reverend Father in God, we greet you well: *K. James's*
Whereas we have been informed and are fully Letter to
satisfy'd that Dr. *John Sharp*, Rector of the Parish the Bishop
Church of *St. Giles in the Fields*, in the County of *London*
Middlesex, and in your Diocese, notwithstanding to suspend
our late Letter to the most Reverend Fathers in God Dr. *Sharp*
the Archbishops of *Canterbury* and *York*, and our
Directions concerning Preachers, given at our Court
at *Whitehall*, the 15th of *March*, 1685. in the 2d
Year of our Reign; Yet he, the said *John Sharp*,
in Contempt of the said Orders, hath in some of
his Sermons since preach'd, presum'd to make some
unbecoming Reflections, and to utter such Express-
sions as were not fit or proper for him, endeavour-
ing thereby to beget in the Minds of his Hearers
an evil Opinion of us and our Government, by in-
sinuating Fears and Jealousys to dispose them to
Dis-

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‘ Discontent, and to lead them into Disobedience and
 ‘ Rebellion: These are therefore to require and com-
 ‘ mand you immediately upon Receipt hereof, forth-
 ‘ with to suspend him from further preaching in any
 ‘ Parish Church or Chappel in your Diocese, until
 ‘ he has given us Satisfaction, and our further Plea-
 ‘ sure be known herein ; and for your so doing this
 ‘ shall be your Warrant : And so we bid you hear-
 ‘ tily farewell.

*Given at our Court at Windsor the 14th of June,
 1686. in the 2d Year of our Reign. By his
 Majesty's Command, Sunderland.*

The Bishop of *London* perceiv'd that the Design of this Letter was absolutely to forbid preaching against Popery ; and the Effect of it might be to suspend all the Eminent Preachers in *England*. His Lordship however endeavour'd to divert the Storm that threatned the Church and Clergy, and therefore wrote this submissive Letter to the Earl of *Sunderland*, to be communicated to the King, and made Dr. Sharp himself the Bearer of it to *Hampton Court*, on Friday the 18th of *June*.

My Lord,

Bishop of London's Letter to the Earl of Sunderland about Dr. Sharp. ‘ I Always have and shall count it my Duty to obey
 ‘ the King in whatsoever Commands he lays upon
 ‘ me, that I can perform with a safe Conscience ; but
 ‘ in this I humbly conceive I am oblig'd to proceed
 ‘ according to Law, and therefore it is impossible
 ‘ for me to comply ; because though his Majesty
 ‘ commands me only to execute his Pleasure, yet in
 ‘ the Capacity I am to do it, I must act as a Judge :
 ‘ and your Lordship knows no Judge condemns any
 ‘ Man before he has Knowledge of the Cause, and
 ‘ has cited the Party. However I sent to Mr. Dean,
 ‘ and acquainted him with his Majesty's Displeasure,
 ‘ whom I find so ready to give all reasonable Satisfac-
 ‘ tion, that I have thought fit to make him the Bearer
 ‘ of

the Ecclesiastical Commission.

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of this Answer from him that will never be unfaithful to the King, nor otherwise than,

My Lord,

Your Lordship's most humble Servant,

H. London.

No Answer cou'd be obtain'd to this Letter of the Bishop, and therefore on *Sunday* following Dr. Sharp carry'd his Petition to *Windsor*.

To the King's most Excellent Majesty:

The humble Petition of John Sharp, Clerk,

Sheweth,

THAT nothing is so afflictive to your Petitioner *Doctor* as his unhappiness to have incurr'd your Majesty's Displeasure, which he is so sensible of, that *Petition to* ever since your Majesty was pleas'd to give notice *K. James.* of it, he hath forborn all publick Exercise of his Function, and still continues so to do.

Your Petitioner can with great Sincerity affirm, that ever since he hath been a Preacher, he hath faithfully endeavour'd to do the best Service he cou'd in his Place and Station, as well to the late King your Royal Brother, as to your Majesty, both by preaching and otherwise.

And so far he hath always been from venting any thing in the Pulpit tending to Schism or Faction, or any way to the Disturbance of your Majesty's Government, that he hath upon all occasions in his Sermons, to the utmost of his Power, set himself against all sorts of Doctrines and Principles that look that way; and this he is so well assur'd of, that he cannot but apprehend that his Sermons have been very much misrepresented to your Majesty.

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‘ But if in any Sermon of his, any Words or Expressions have unwarily slipt from him that have been capable of such Constructions as to give your Majesty cause of Offence; as he solemnly professes he had no ill Intentions in those Words or Expressions, so he is very sorry for them, and resolves for the future to be careful in the discharge of his Duty, that your Majesty shall have reason to believe him to be your most faithful Subject. And therefore he earnestly prayeth that your Majesty out of your Royal Grace and Clemency, wou’d be pleas’d to lay aside the Displeasure you have conceived against your humble Petitioner, and restore him to that Favour which the rest of the Clergy enjoy under your Majesty’s Gracious Government.

So your Petitioner shall ever pray, &c.

This Petition was not admitted to be read, for a Resolution had been taken to execute the Displeasure of the King upon the Bishop of *London*; and therefore, on *Tuesday, Aug. 3.* the Commissioners opened their Commission, and immediately sent a Citation to the Bishop of *London* to appear before them in the Council-Chamber at *Whitehall*, on *Aug. 9.*

Bishop of London appears before the Ecclesiastical Commissioners. My Lord appearing accordingly; the Commissioners there present were the Lord Chancellor *Jessays*, the Earl of *Rocheſter* Lord Treasurer, the Lord President of the Council, the Lord Bishop of *Durham*, the Lord Bishop of *Rocheſter*, and the Lord Chief Justice *Herbert*. The Chancellor began, and having charged the Bishop with not observing the King’s Commands, in the Case of *Dr. Sharp*, who had, he said, preach’d *ſeditiouſly and againſt the Government*; the Bishop humbly begg’d a Copy of the Commission, and a Copy of his Charge: but the Chancellor ſaid, no Copy of the Commission cou’d be granted; that it was unreaſonable to deſire it; that it was upon Record; and added, in a way of Contempt, *That all the Coffee-houſes had it for a Penny a-piece*: and he doubted not but his Lordſhip had ſeen it. However, the Bishop inſiſting upon his De-

Desire, he was order'd to withdraw; but being soon call'd in again, both his Lordship's Requests were deny'd——This done, the Bishop desir'd Time to advise with Counsel, and to have them plead; and that, considering the Season of the Year, and that there was not one Civilian in the Commons, he hop'd they would give him Time till towards the Term. This the Chancellor surlily said was unreasonable, *That the King's Business would not admit of such Delays*, and he thought a Week was enough: So they adjourn'd to the 15th of *August*, when the Bishop appear'd again, attended by his Nephew the Earl of *Northampton*, his Brother-in-law Sir *John Nicolas*, and his Brother Sir *Francis Compton*. My Lord, after having insisted on a further time, being order'd to withdraw; he was told, when call'd in again, that their Lordships were resolv'd to give no time for pleading to their Jurisdiction; but for any other Answer, they would grant a Fortnight; and so adjourn'd to the 31st of *August*. In the mean time, the Bishop sent his Proctor to their Register, for a Copy of what Orders and other Minutes they had set down concerning his Business; but it was refus'd, tho his Counsel told him it was never deny'd in any Court. Now as to the Sentiments these worthy Commissioners had of their Commission, as well those that are living as those that are dead, let a Taste of them appear by what the Chancellor declar'd in their Names: *We will not admit of any quarrelling with our Commission; we are well assur'd of the Legality of it, otherwise we would not be such Fools as to sit here.* Some of 'em publish'd afterwards, That they did doubt of the Legality of it; and yet were such Fools as to sit. At this Appearance of my Lord Bishop's, when his Lordship spoke concerning the Commission, Sir *Thomas Clarges* cry'd out, *Well put, Well put, my Lord speaks nothing but Truth.* There was also another Gentleman, Sir *John Lowther* of *Lincolnshire*, who, as he was coming away in the Croud, said, *There are some who have represented me as a Papist, but the contrary shall appear; I will not be afraid,*

fraid, nor asham'd to vindicate my Lord Bishop's Cause before the Commissioners themselves. But two good Protestant B——s, and a prime E—— now in being, were neither afraid nor asham'd to judg him for his Zeal for that Church which they all so lately strenuously stood by, in the Case of Sacheverel.

The 31st of *August* being come, the Bishop beg'd Leave to offer his Plea to their Jurisdiction, saying, He was told, it was a Right every one had to make use of, when he found it for his Advantage; that he would not hazard being so impertinent, as to offer any thing upon his own Head: that their Lordships had given him Time to advise with Counsel, and that they who were learned in the Law of the Land advis'd him to plead to their Jurisdiction, and would be ready to argue it. But this being over-rul'd, he protested his Right to this Plea, which he would have given in, if the Commissioners would have suffer'd it to be argu'd.

The Bishop of London's Plea to the Jurisdiction of the Commissioners.

I Henry Bishop of London, do declare and acknowledge, That the King's Majesty is the only Supreme Head and Governour of this Realm, and all other His Majesty's Dominions and Countrys, as well in all Spiritual or Ecclesiastical Causes, as Temporal. Nevertheless, I the said Bishop, by Protestation not acknowledging any just or legal Authority in Your Lordships (otherwise than as by Law I am bound) to question or censure me in any Matter or Thing Ecclesiastical whatsoever, do offer and shew to your Lordships, that at the Parliament of King *Charles I.* of blessed Memory, late King of *England*, holden on the 3^d Day of *November*, in the 16th Year of his Reign, a certain Act and Statute was made, intitul'd, (*A Repeal of a Statute primo Eliz. concerning Commissioners for Ecclesiastical Affairs*) setting forth that in the Parliament holden in the First Year of the Reign of Queen *Elizabeth*, intitul'd, (*An Act restoring to the Crown the antient Jurisdiction over the State Ecclesiastical and Spiritual*) and abolishing all foreign

reign Power repugnant to the same; in which Act among other things there is contain'd one Clause, Branch, Article, or Sentence, whereby it was enacted to this effect, namely——That the late *Queen's Highness*, her *Heirs and Successors*, *Kings and Queens* of this Realm, should have full Power and Authority, by virtue of that Act, by Letters Patents under the Great-Seal of England, to assign, name, and authorize, when and as often as her Highness, her *Heirs and Successors* should think meet and convenient, and for such and so long time, as should please her Highness, her *Heirs and Successors*, such Person or Persons, being natural-born Subjects to her Highness, her *Heirs and Successors*, as her Majesty, her *Heirs and Successors*, should think meet, to exercise, use, occupy, and execute, under her Highness, her *Heirs and Successors*, all manner of Jurisdictions, Privileges and Preheminences, in any wise touching or concerning any Spiritual or Ecclesiastical Jurisdiction within these her Realms of England and Ireland, or any other her Highness's Dominions and Countrys; and to visit, redress, reform, order, correct and amend all such Errors, Heresys, Schisms, Abuses, Offences, Contempts, and Enormitys whatsoever, which by any manner of Spiritual or Ecclesiastical Power, Authority or Jurisdiction, can or may lawfully be reform'd, order'd, redress'd, corrected, restrain'd or amended, to the Pleasure of Almighty God, the Encrease of Vertue, and the Conservation of the Peace and Unity of this Realm; and that such Person or Persons so to be nam'd, assign'd, and appointed by her Highness, her *Heirs or Successors*, after the said Letters-Patents to him or them made and deliver'd as aforesaid, should have full Power and Authority, by virtue of that Act, and of the said Letters Patents under her Highness, her *Heirs or Successors*, to exercise, use and execute all the Premises, according to the Tenor and Effect of the said Letters-Patents, any Matter or Cause to the contrary, in any wise notwithstanding——And setting forth likewise——That by the colour of some Words in the aforesaid Branch of the said Act,

whereby

whereby Commissioners are authoriz'd to execute their
 Commissions according to the Tenor and Effect of
 the King's Letters-Patents, and by Letters-Patents
 grounded thereupon; the said Commissioners have, to
 the great and unsufferable Wrong and Oppression of
 the King's Subjects, us'd to fine and imprison them,
 and to exercise other Authority, not belonging to
 Ecclesiastical Jurisdiction, restor'd by that Act, and
 divers other great Mischiefs and Inconveniences to
 have also ensu'd to the King's Subjects, by occasion of
 the said Branch, and Commissions issu'd thereupon,
 and the Execution thereof. And therefore for the
 repressing and preventing of the aforesaid Abuses,
 Mischiefs and Inconveniences in time to come, it
 was by the said Act, made at the said Parliament
 of the said King Charles I. enacted — That the
 aforesaid Branch, Clause, Article, or Sentence con-
 tain'd in the said Act of Primo Elizabethæ, and
 every Word, Matter, and Thing contain'd in that
 Branch, Clause, Article, or Sentence, should from
 thenceforth be repeal'd, annul'd, revok'd, annihila-
 ted, and utterly made void forever; Any thing in
 the said Act to the contrary in any wise notwith-
 standing. And it was hereby also enacted by the
 Authority aforesaid, That no Archbishop, Bishop,
 or Vicar-General, nor any Ordinary whatsoever, or
 or any other Spiritual or Ecclesiastical Judg, Officer,
 or Minister of Justice, or any other Person or Per-
 sons whatsoever, executing Spiritual or Ecclesiastical
 Power, Authority or Jurisdiction, by any Grant,
 License or Commission of the King's Majesty, his
 Heirs or Successors, or by any Power or Authority
 deriv'd from the King, his Heirs or Successors, or
 otherwise, should, from and after the First Day of
 August, in the Year of our Lord, 1641. award,
 impose, or inflict any Pain, Penalty, Fine, Amerce-
 ment, or Imprisonment, or other corporal Punishment
 upon any of the King's Subjects, for any Contempt,
 Misdemeanor, Crime, Offence, Matter or Thing
 whatsoever, belonging to Spiritual or Ecclesiastical
 Cognizance or Jurisdiction; or shall ex officio, or
 at the Instance or Promotion of any other Person
 what-

whatsoever, urge, enforce, tender, give or minister unto any Church-warden, Side-man, or other Person whatsoever, any corporal Oath, whereby he or she shall or may be charged or obliged to make any Presentment of any Crime or Offence, or to confess or accuse himself or herself of any Crime, Offence, Delinquency or Misdemeanor, or any other Neglect, Matter or Thing, whereby or by reason whereof, he or she shall or may be liable to or exposed to any Censure or Punishment whatsoever; upon Pain and Penalty, That every Person that shall offend contrary to this Statute, shall forfeit and pay treble Damages to every Person thereby grieved, and the Sum of 100 l. to him or them who shall first demand and sue for the same; which said treble Damages and Sum of 100 l. shall and may be demanded and received, and urged by Action of Debt, Bill or Plaint, in any Court of Record; wherein no Privilege, Essoin, Protection or Wager of Law shall be admitted or allowed to the Defendant. — And it was thereby further enacted, That every Person who should be once convicted of any Act or Offence prohibited by that Statute, should for such Act or Offence be, from and after Conviction, utterly disabled to be or continue in any Office or Employment in any Court of Justice whatsoever, or to exercise or execute any Power, Authority, or Jurisdiction, by force of any Commission or Letters Patent of the King, his Heirs or Successors. — And it was also thereby enacted, That from and after the first day of August, no new Court should be erected, ordained, or appointed within this Realm of England, or Dominion of Wales, which should or might have the like Power, Jurisdiction, or Authority, as the High Commission-Court then had, or pretended to have; but that all and every such Letters Patents, Commissions and Grants, made or to be made by his Majesty, his Heirs or Successors, and all Powers and Authoritys granted thereby, and all Acts, Sentences and Decrees to be made by virtue or colour thereof, should be utterly void and of none effect. — Which said Act of Parliament, made at the said Parliament of King Charles I. I the said Bishop of

‘ *London* do plead and object to and against your
 ‘ Lordships Jurisdiction; and pray your Lordships
 ‘ Judgment, whether your Lordships will think it
 ‘ fit, or ought to proceed any farther herein against
 ‘ me the said Bishop of *London*.

After the rejecting of this Plea, the Bishop insisted to be tried before his Metropolitan: but that being interpreted, as pleading still against their Jurisdiction, he added, That their Lordships in that Commission, after the general Words, *being directed to proceed according to the tenour of the Letters-Patent, &c.* he conceiv’d they were only warranted to try him for Offences after the Date of the Commission. But the Court having resolv’d that they had Authority to retrospect, the Bishop put in his Answer in Writing, which was read by Mr. *Bridgman*, their Register, in this Form.

The Bishop’s Answer to the Charge.

‘ To the Question which was propos’d to me by
 ‘ your Lordships, *viz. Why did you not obey the King’s*
 ‘ *Command, in his Letter concerning the Suspending of*
 ‘ *Dr. Sharp?* I Henry Bishop of *London*, do answer,
 ‘ That immediately upon receipt of his Majesty’s
 ‘ Letter from my Lord President, (the Tenour
 ‘ whereof follows, &c.) I took the best Advice I
 ‘ cou’d concerning *Dr. Sharp*; and was inform’d,
 ‘ That the Letter being directed to me as Bishop of
 ‘ *London*, to suspend a Person under my Jurisdiction,
 ‘ I was therein to act as a Judge, it being a judicial
 ‘ Act; and that no Person cou’d by Law be punish’d
 ‘ by Suspension, before he was call’d on, or without
 ‘ being admitted to make his Defence. I thought it
 ‘ therefore my Duty forthwith humbly to represent
 ‘ so much to my Lord President, that so I might receive his Majesty’s farther Pleasure in that matter.
 ‘ Nevertheless, that I might obey his Majesty’s
 ‘ Commands, as far as by Law I cou’d, I did then
 ‘ send for *Dr. Sharp*, and acquainted him with his
 ‘ Majesty’s Displeasure, and the occasion of it, by
 ‘ shewing him his Majesty’s Letter. But he having
 ‘ never been called to answer any such Matter, or
 ‘ make

‘ make his Defence, and protesting his Innocence,
‘ and likewise declaring himself most ready to give
‘ his Majesty full Satisfaction therein; in order
‘ thereto, I advis’d him to forbear Preaching till he
‘ had apply’d himself to his Majesty: and, at his
‘ Request, I made him the Bearer of my Letter to
‘ my Lord President, waiting for his Majesty’s far-
‘ ther Orders to proceed against him judicially, in
‘ case he shou’d not at that time give his Majesty the
‘ Satisfaction requir’d. And the said Dr. *Sharp* hath
‘ not since preach’d within my Diocess.

Henry London.’

Then the Bishop’s Council, who were Dr. *Oldys*,
Dr. *Hodges*, Dr. *Price*, and Dr. *Newton*, argu’d
strenuously in his Lordship’s behalf: and after their
learned Pleadings were over, the Bishop spake thus :
‘ I have but little more to say ; I suppose my Coun-
‘ cil have satisfy’d your Lordships, that in the severest
‘ Construction, Malice or wilful Disobedience cou’d
‘ not be imputed to me : But as my Lord Chancel-
‘ lor has now explain’d it to Dr. *Oldys*, that the
‘ King’s Meaning was only to silence; they have
‘ made plain to your Lordships, that I have effectually
‘ obey’d his Majesty’s Commands. And if in
‘ any Circumstance I have been wanting, I am ready
‘ to make Reparation, by performing that like-
‘ wise, and to beg his Majesty’s Pardon.’

While the Bishop’s Council were pleading, Dr.
Pinfold, the King’s Advocate, famous for his vigo-
rous Prosecution of Dissenters, stood at the Chan-
cellor’s Elbow, and took Notes ; by which it was
expected that he shou’d make a Reply : but he said
nothing ; and ’tis suppos’d he gave the Commissioners
Reasons for his Silence, when the Bishop withdrew,
because he staid behind with them.

The Bishop hereupon was appointed to attend the
Commissioners on Monday the 6th of September ; at
which time, without being allow’d any farther hear-
ing, this Sentence was read against him.

The HISTORY of

By his Majesty's Commissioners for Ecclesiastical Affairs.

‘ **W** Hereas *Henry* Lord Bishop of *London*, hath
 ‘ been convened before us, for his Disobe-
 ‘ dience, and other his Contempts, mention’d in the
 ‘ Proceedings of this Cause; and the said Bishop
 ‘ being fully heard thereupon, we have thought fit,
 ‘ upon mature Consideration of the Matter, to pro-
 ‘ ceed to this our definitive Sentence, declaring, de-
 ‘ creeing and pronouncing, That the said *Henry* Lord
 ‘ Bishop of *London*, shall, for his said Disobedience
 ‘ and Contempt, be suspended during his Majesty’s
 ‘ Pleasure: and accordingly, we do by these Pre-
 ‘ sents suspend him the said Lord Bishop of *London*;
 ‘ peremptorily admonishing and requiring him here-
 ‘ by to abstain from the Function and Execution of
 ‘ his Episcopal Office; and from all Episcopal and
 ‘ other Ecclesiastical Jurisdiction, during the said
 ‘ Suspension, upon pain of Deprivation and removal
 ‘ from his Bishoprick.

*Given under our Hand and Seal the 6th day of
 September, 1686. Sealed with the Seal of the
 Courts C. J. 2. Rose, &c. Crown with this
 Inscription round it, viz. Sigillum Commis-
 sionarium Regiæ Majestatis ad Causas Ecclesi-
 asticas.*

Sign’d by no body at all.

Some days after, one of the Messengers attending
 the Court, deliver’d to the Dean of *St. Paul’s* a
 Warrant, the Tenour whereof followeth.

*By his Majesty's Commissioners for Ecclesiastical
 Affairs.*

‘ **W** Hereas we have given Sentence of Suspension
 ‘ against *Henry* Lord Bishop of *London*, a
 ‘ Copy of which Sentence, under our Seal, is here-
 ‘ unto affix’d: we have thought fit, and do hereby
 ‘ enjoin

enjoin and require you, to cause the said Sentence to be affix'd on the Door of that Chapter-House, and on the Place now call'd the South-Door of the said Church; to the end that publick Notice may be taken of the said Suspension: And you are to certify us, under your common Seal, of the due Execution of what is hereby requir'd.

At our Council-Chamber at Whitehall, on Tuesday the 28th instant September, at Eleven of the Clock in the Morning. Given under our Seal this day of September, 1686. Sealed with the same Seal as the Sentence, but no Persons Names: subscribed to the Dean and Chapter of London.

Dr. Crew still Bishop of *Durham*, Dr. Sprat the Bishops of present Bishop of *Rochester*, both of them in the *Ecclesiastical Commission*, together with Dr. White then Bishop of *Peterborough*, afterwards a Nonjuror, were made Commissioners for the Diocess of *London*. During whose Administration, Mr. Samuel Johnson, (commonly call'd *Julian Johnson*) having written a Paper, entitl'd, *An humble Address to all the English Protestants in the Army*, before he receiv'd one of the severest Sentences that ever was pronounc'd, they were appointed to degrade him. This they readily perform'd in the Chapter-House of *St. Paul's*; where Dr. *Sherlock*, and other Clergymen, attended. But 'tis remarkable, that Dr. *Stillingsfleet*, Dean of *St. Pauls*, refus'd to have any hand in it. However, their Lordships proceeded to the Formality of the Degradation. But notwithstanding all their Skill and Zeal in the Execution of it, they were guilty of an Omission in not stripping Mr. *Johnson* of his Cassock; which as slight a Particular as it might seem, render'd his Degradation imperfect, and afterwards secur'd him his Living.

The admirable Works of this Divine lately publish'd, will give us the best Idea what sort of Men those must be, who in Complacency to Arbitrary Power, could be instrumental in turning out of the Church,

Church, one of its greatest Ornaments since the Reformation.

Tho the *Ecclesiastical Commissioners* had in this manner triumph'd over the Bishop of *London*, and suspended him from the Exercise of his Function as Bishop; yet he remain'd still whole in his other Capacities, and particularly as he was one of the Governors of *Sutton's Hospital*, commonly call'd the *Charter-House*: the Foundations of which the *Commission* had a great mind to shake; and the matter is briefly thus, as related by the Reverend Dr. *Thomas Burnet*, Master of that Hospital.

The King had, on the 17th of *December*, directed his Letter to the Governors of the *Charter-House*, ' Requiring them to admit one *Andrew Popham*, Gentleman, into the first Pensioner's Place ' in that his Hospital, which should become void, ' and be in his Majesty's Disposal, without tendering ' any Oath or Oaths to him, or requiring of him ' any Prescriptions, Recognition, or other Act or ' Acts in conformity to the Doctrine and Discipline ' of the Church of *England*; and notwithstanding ' any Statute, Order, or Constitution, of or in the ' said Hospital, which he was graciously pleased to ' dispense with.

This Letter was not deliver'd to Dr. *Burnet*, the Master, but to the Register at his House in the City, who did not thereupon come and acquaint the Master with it, but sent it by Mr. *Popham*, with a Certificate under his Hand, in the usual Form, as for an Admission of course.

Popham coming to the Master with his Certificate, and the Master demanding his Letter of Nomination, and to whom it was directed: and he answering, To the Governors of the Hospital, and that he had left it in the Register's Hands; the Master reply'd, It must be deliver'd to the Governors before he cou'd act upon it: and so telling him when there wou'd be a Meeting of the Governors, dismiss'd him without Admission.

But a full Number of the Governors not meeting at the day appointed, which was the *Monday* after *Twelfth-tide*, they cou'd not act; but on the 17th following there was a full Assembly, and *Popham's* Business, he being present, was heard. After the King's Letter was read, the Lord Chancellor *Jeffreys* presently mov'd, That they shou'd immediately, without any Debate, proceed to vote, Whether *Popham* shou'd be admitted or no, according to the King's Letter. The Governors, who were Persons of the greatest Quality, shew'd themselves faithful Trustees to Mr. *Sutton* on this Occasion: and tho they had no Precedent at that time to follow, they made a vigorous Resistance to this encroaching Power.

Here we are to observe, that it was put upon the Master, as junior, to vote first; but he told them, that he thought it was his Duty to acquaint their Lordships with the State and Constitution of the Hospital, before they proceeded to a Vote. Which some oppos'd. But after a little Debate, the Master was heard. He then acquainted their Lordships, That to admit a Pensioner into that Hospital, without taking the Oaths of Allegiance and Supremacy, was not only contrary to the Constitution of the House, but also to an Act of Parliament provided in that Case, namely, to the *Charter-House Act* 3 Car. 1. wherein it was expressly said, *That no body, whether Governor, Officer, or Pensioner, should be admitted, till they had taken the Oaths of Allegiance and Supremacy.* This said, one Governor answer'd, *What is this to the purpose?* To whom the late Duke of *Ormond* reply'd: 'He thought it was very much to the purpose; for an Act of Parliament was not so slight a thing, but that it deserv'd to be consider'd.' Upon this, after some discourse, the Question was put again, Whether *Andrew Popham* shou'd be admitted or no? And it was carry'd in the Negative.

The Governors intended to have return'd an Answer in Writing forthwith to the King's Letter: but as soon as that Vote was past, the Chancellor *Jeffreys* flung away, and some others follow'd; so that there
was

was not a sufficient Number left to act as an Assembly; which, notwithstanding the frequent Endeavours of the Archbishop of *Canterbury*, cou'd not be got till the *Midsummer* following.

While the Business was thus depending, another Person, one *Cardonel*, a *French* Protestant, naturaliz'd and qualify'd for the Place, appear'd with a Letter of Nomination from the King, of a Date antecedent to that of *Popham's*. This they thought had been a soft Method, invented by the Court to supersede *Popham's* Letter, and so let the Controversy fall without Noise: but it prov'd otherwise; for when this Man's Pretensions came to be known at Court, the King wou'd stand by his Papist, and sent another Letter to exclude him, and to reinforce his former Order about *Popham*.

Here were two Letters already under the Signet: at length the Broad-Seal was sent to compleat and ratify this Dispensation for *Popham*, and a Copy of it left with the Master, collated in his Presence with the Original: they also brought Witnesses along with them, to attest the Delivery and Collation; and so left it in the Master's Hands. This done, they demanded present Admission of the Master, Admissions being made by his Order. But he told them, The Business was now depending before the Governors in a Body, and that therefore no single Governor cou'd act separately therein.

At length *Midsummer* came, when they had a stated Assembly, there being Nine Governors present: who after the King's second Letter, and his Letters-Patent, were read and consider'd, drew up a Letter, to give Reasons to his Majesty why they cou'd not comply with his Pleasure in the Admission of *Andrew Popham* into that Hospital. The Letter was directed and sent to one of the Secretaries of State, to represent the Contents of it to the King, and sign'd by eight Governors.

W. Cant. Ormond, Hallifax, Craven, Danby, Nottingham, H. London, T. Burnet.

After

After this Letter was read to the King, he gave it to the Lord Chancellor, and bid him find out a way how he might have Right done him at that Hospital. Nothing at that time was judg'd more proper for this Work than the *Ecclesiastical Commission*, which in all probability would have been made use of without any delay against the Hospital: but there were, particularly for the present, two Reasons which made the Court wave it. First, the Persons concern'd were of so great a Quality and Character, so much consider'd by the Nation, and so well able to defend their Cause, that the Commissioners had no great Stomach to meddle with them. Secondly, they had their hands full of Business at that time, by quarrelling with the two Universities upon the same Point, the matter whereof we are just going to relate. Only we shall observe, that in the interim, and almost even to the time the Revolution happen'd, they continu'd their Threats against the Charter-House; that a *Quo Warranto* should be brought against that Corporation; and that the Master particularly should be summon'd before the *Ecclesiastical Commissioners*. But all this came to nothing, neither could they ever get any Popish Governor or Popish Pensioner into this Society.

The Thunder-bolts of the *Ecclesiastical Commission* fell next on both Universities. And first of all, on Dr. *Peachet*, the Vice-Chancellor of *Cambridge*, for refusing to admit one *Alban Francis*, a Benedictine Monk, to the Degree of Master of Arts, without taking the Oath, according to the King's Mandate; wherein his Majesty dispens'd with *Francis*, tho not having that necessary Qualification. This Mandate being read in the Consistory, it was unanimously agreed, that they could not admit the Monk to a Degree without taking the usual Oaths, unless they broke their own; and thereupon appointed two of their Body to wait upon his Majesty, and to acquaint him how ready they were to obey all his Commands, where their Compliance did not clash with their Consciences; humbly hoping his Majesty would not force them to wilful Perjury; of which, by the

Ecclesiastical Commissioners proceed against Cambridge.

Statutes of the University, they must be guilty, if they should admit *Alban Francis* thus unqualify'd to that Degree. When the two Fellows came to *London*, they first made their Application to the Duke of *Albemarle*, their Chancellor, who used his Interest to serve them, tho to little purpose. For at length they receiv'd this Answer from the Secretary of State, 'That his Majesty had seen the Vice-Chancellor's Letter, was offended at the Proceedings of the University, and would take order shortly to give them a farther Answer.'

What this Answer was, appear'd in a little time; for *Atterbury* the Messenger came to *Cambridge* to summon the Vice-Chancellor to appear before the *Ecclesiastical Commissioners*, and answer to such things as should be objected against him on his Majesty's behalf.

The Vice-Chancellor and eight more of that Body appear'd; and the Commissioners there present, were the Chancellor, the Lord President, Earl of *Mulgrave* now Duke of *Buckingham*, the Bishops of *Durham* and *Rocheſter*, and the Lord Chief-Justice *Herbert*; before whom they put in their Answer in Writing, alledging three Acts of Parliament in their Justification, with many unanswerable Arguments against the Illegality of this new Court. Which being read, the Court took some time to consider of the matter, and adjourn'd till *Saturday* the 7th of *May*, 1687.

That Day being come, and the Vice-Chancellor and Delegates appearing, after some trifling Questions propounded by Chancellor *Jeffreys*, they were commanded to withdraw. And being call'd in again, *Jeffreys* told the Vice-Chancellor of *Cambridge*, 'That he being guilty of great Disobedience to the King's Command, and other Crimes, and Contempt of the Court, had sentenc'd him to be depriv'd of his Office of Vice-Chancellor, and suspended him *ab Officio & Beneficio* of his Headship of *Magdalen-College*; and that he should not presume to meddle in any publick Business relating to the University.'

The

The Vice-Chancellor and his Friends, could they have proved that the Lords had received a new Commission, would have put their Lordships upon beginning their Proceedings against them a-new. A new Commission was granted this Year; but what Reason induced the King to it, or rather to insert some new Names in the old one, I know not: but so it was, that in the Month of *October*, his Majesty was pleas'd to constitute *George Lord Jefferys*, Lord High-Chancellor; the Lord President of his Council; *John Earl of Mulgrave* (now Duke of *Buckinghamshire* and *Normanby*) Lord Chamberlain of the Household; *Theophilus Earl of Huntington*, Captain of the Band of Pensioners; *Dr. Nathaniel Crew*, Lord Bishop of *Durham*; *Dr. Thomas Sprat*, Lord Bishop of *Rochester*; *Dr. Thomas Cartwright*, Lord Bishop of *Chester*; *Sir Robert Wright*, Lord Chief Justice of the *King's-Bench*; *Sir Edward Herbert*, Lord Chief Justice of the *Common-Pleas*; and *Sir Thomas Jenner*, one of the Barons of the *Exchequer*, to be Lords Commissioners for Ecclesiastical Affairs.

The Earl of R—— you see was left out of this Commission; but the two good Bishops sat still in it: The Memory of which I hope will be immortal. For by this we may make a Judgment of the Zeal they signaliz'd in the Case of *Sacheverell*; for whom they voted as heartily, as they had given their Votes against the Bishop of *London* and others when they were Ecclesiastical Commissioners. Why the Noble Earl last mention'd had not the Honour to be in this second Commission I cannot tell; but this I am sure of, that notwithstanding the seeming Fault he committed in ever being of it, I read a notable Vindication of this true Church-Peer, which was printed about nine Years ago, and contains these very Words, relating as well to other things as to the Ecclesiastical Commission.

As to all these matters, I think the Noble Earl has as much to say for himself as can reasonably be expected from any Man. As to the first, this was a Commission for Ecclesiastical Causes, and who shall judge of it but Ecclesiastical Lawyers? No

‘ Man will set himself upon an equal foot for Know-
 ‘ ledg of this kind with the Right Honourable Sir
 ‘ *Charles Hedges*, his Majesty’s Principal Secretary
 ‘ of State, and Judg of the High Court of Admiralty.
 ‘ Was not he *Advocate* to that Commission? and was
 ‘ it not by his Advice they acted? Nothing surely
 ‘ which they did was more objectable than their
 ‘ Proceedings against *Magdalen-College*. And was
 ‘ it not upon him that the Weight of that Expedition
 ‘ lay? I suppose no body will affirm that the Eccle-
 ‘ siastical Commissioners, as to the Law part at that
 ‘ time, did much rely on the then Bishop of *Chester*,
 ‘ or Lord Chief Justice *Wright*, or Baron *Jenner*.
 ‘ The Letter published in the printed Relation of
 ‘ those Proceedings, written by the Fellows of that
 ‘ College, dated the 20th of *October*, 1687. and di-
 ‘ rected to this Honourable Person, says, they were
 ‘ glad of his being employed, because of his Learn-
 ‘ ing and Ingenuity. When an Enemy makes such
 ‘ a Confession, had not this Noble Earl ground
 ‘ enough to depend upon the Legality of a Com-
 ‘ mission, where such a Man so frankly took so
 ‘ great a share?

‘ Secondly, As the Noble Earl might well think
 ‘ himself safe in point of Law from what has been
 ‘ said, so most assuredly he could not think the
 ‘ Church could receive any Detriment from that
 ‘ Commission while he had the Right Reverend Fa-
 ‘ ther in God the Lord Bishop of *Rocheſter* sitting
 ‘ by his side. I take him to be the steady Support
 ‘ of the Church even at this day. ’Tis he that pro-
 ‘ tects the Inferiour Clergy from Oppression. ’Tis
 ‘ at the Deanary of *W——* that all the secret
 ‘ Councils of the Church are held: And therefore
 ‘ the Noble Earl might upon good Grounds think
 ‘ himself secure as to hurting the Church while he
 ‘ kept such Company.

‘ Thirdly, The noble Earl could never entertain a
 ‘ suspicion that this Commission could be to the preju-
 ‘ dice of the Universitys, and least of all to the intro-
 ‘ ducing of Popery there, while the M. of N. made
 ‘ one of the Number of Commissioners, which he did
 ‘ to the very last: His Love to Learning is known by
 ‘ his

his liberality to Dedicators : his Skill in the *Latin* Language appear'd eminently in his reading two Commissions lately at a Conference ; and could he be engaged in a business which might prejudice the Universitys ? As to Popery, the Noble Earl I dare say never heard him suspected of the least Bias to that or any thing of that kind, and therefore he could fear nothing from a Commission where he had a Companion so free from Superstition, from Self-Love, from Pride, ill Nature, and as known an Enemy to *France* as is upon record to this day.

I expect to be hit in the Teeth with his Confession and Retraction written to *Dr. Tillotson*, and his devout kneeling at the Elevation on every Solemn Day in the *P——* Chappel.

To the first of these the Answer is the same as before ; This Letter came not out till King *James* was gone. And to the Second, I hope that is no great Reflection : Why might not his *L——p* take the same liberty with another great Courtier, old *Naaman the Syrian*, who found it necessary to bow himself with his Master in the House of *Rimmon* ? But I do not see how this concerns the Noble Earl, whose Apology I am writing, and who surely if he did a little err, deserves great Indulgence from every reasonable Man upon the account of his having err'd in such Company.

Another occasion taken for propagating this Slander, will I hope appear very frivolous as it is mention'd. It is, that this Noble Earl, in King *James's* Reign, was so little fix'd and resolved in his Religion, that he yielded to be instructed, and was content to admit of a Dispute between some Priests of the Church of *Rome* and some Divines of our Church, in his Presence ; and that after it was over, he remained so far in suspence as not to declare which Side had the better.

Supposing this Fact to be true (which the Divines who were concern'd in the Dispute may perhaps satisfy the World to be quite otherwise) I do not see what great Weight can be laid on it. No
Man

‘ Man can be too well inform’d. He might be
 ‘ thought obstinate and unmannerly to his Master,
 ‘ if he had refused the Conference: Nor ought his
 ‘ Silence to be objected to him as a Fault; every one
 ‘ knows how extremely well bred the Noble Earl is,
 ‘ and peradventure he might think it rude to put the
 ‘ Priests out of Countenance. Perchance he thought
 ‘ it Wisdom at that time to keep his mind to him-
 ‘ self: We all know how great a Master of Tacit-
 ‘ turnity he is. But to leave this kind of Reasoning,
 ‘ and to put all these unjust Suspicions to an end for
 ‘ ever, I will give you the Character of this Noble
 ‘ E. from one who knows him well, his own Chap-
 ‘ lain Dr. *Hickman*, whose Word every body will
 ‘ depend on. In his Dedication of his Printed Ser-
 ‘ mons to the Noble E. he tells him that he *Asserted*
 ‘ *the Cause of the Established Church in the worst of*
 ‘ *Times, and had given the World a Glorious Example*
 ‘ *both of a Patriot and Confessor.* It is sure he can-
 ‘ not mean since the Revolution. After so unbiassed
 ‘ and disinterested a Character, I shall add no more,
 ‘ and I hope every one will say it is enough.

Ecclesiasti-
 cal Com-
 missioners
 Proceedings
 against
 Magdalen
 College,
 Oxon.

The Storm which soon after broke out upon the
 whole College of *St. Magdalen in Oxford*, as it was
 a longer time a gathering, so it prov’d more furious
 and dismal in its Effects, than that upon *Cambridge*.
 And because the boldest Strokes of that arbitrary Spi-
 rit, by which King *James’s* Counsels were animated,
 were seen in a particular manner thro the Course of
 this Affair, a full Relation of it cannot be thought
 foreign in this History.

St. Mary Magdalen’s-College is one of the noblest
 Foundations that perhaps was ever erected for Learn-
 ing in the World; and it was no wonder the Popish
 Clergy look’d with an envious and greedy Eye upon
 this rich Prize, and made their utmost Efforts to
 snatch it from the Hands of those they called *Here-*
ticks. This illustrious Society, from the repeated
 Grants of Kings, confirmed by several Acts of Par-
 liament, and from their own Statutes, were in an
 uninterrupted as well as uncontested Possession of a
 Right to elect their own President, that Place being
 vacant

vacant by the Death of Dr. *Clarke*. The Vice-President, Dr. *Aldworth*, gave notice to all the Fellows present in the Chappel, to proceed to the Election of another, on the 13th of *April* following, to fill up the Vacancy : but, before the day of Election, being informed that his Majesty had granted his Letters Mandatory in behalf of Mr. *Anthony Farmer*, a Man of an ill Reputation, who had promised to declare himself a Papist ; they most humbly represented to his Majesty in their Petition, That the said Mr. *Farmer* was a Person in several respects incapable of that Character according to their Founders Statutes, and did most earnestly beseech his Majesty either to leave them to their Duty and Consciences according to his Majesty's late most Gracious Toleration, and their Founders Statutes, or to recommend such a Person who might be more serviceable to his Majesty and to that College. The Petition was delivered to the President of the Council by Dr. *Thomas Smith* and Captain *Bagshaw*, and lay four Days in his Lordship's Hands, with a promise of his Favour ; but at last his Answer was, *That the King must be obeyed.*

On *Monday, April 4.* his Majesty's Mandate was deliver'd by Mr. *Robert Charnock*, Master of Arts, and Fellow of the said College, (a new Convert, wholly devoted to the Court, and the same who afterwards took his Turn at *Tyburn* for being a principal Actor in the horrid Assassination-Plot against King *William's* Life) directed to the Vice-President and the Fellows, requiring them forthwith to elect the said Mr. *Farmer*, and admit him President. This Mandate the Vice-President read with decent Respect in the Chappel of the College before the Fellows there present, and ask'd them whether, in obedience to his Majesty's Letter, they would forthwith elect Mr. *Farmer* President ? They all agreed to defer their Answer till *Wednesday* following. All the Fellows being then met, the Vice-President read the Statute concerning the Choice of a President, and another against corrupt and irregular Elections : then he read the King's Letter in
behalf

behalf of Mr. *Farmer*; and a second time demanded their Answer, which was to this effect: That having a Petition lying at that time before his Majesty, they ought not to proceed to Election till they had received his Majesty's Answer to the same; and thereupon the Election should be deferred till the next day.

On *Thursday* in the Morning, the Vice-President told them, that the Choice of a President had been put off upon account of their Petition to his Majesty, in answer to which they had not then receiv'd his Majesty's Pleasure; that the next Day was the utmost time they had Power to prorogue the Election to by the Statutes, and therefore it was necessary they should come to some Resolution. He told them further, that the King had commanded them to elect Mr. *Farmer*, and ask'd their Sense therein; which was unanimous (except Mr. *Charnock*) that the Election should be deferred till the next Morning.

Accordingly, *April 15.* at eight a-Clock in the Morning, the Vice-President and Fellows being met, Dr. *Thomas Smith* and Captain *Bagshaw*, two of the Fellows, acquainted the rest from the Lord President of the Council, That, in answer to their Petition, his Majesty having sent his Letter to the College, expected to be obeyed. After which the Vice-President read again the King's Mandate, and ask'd them whether they would comply with it? They desir'd that they might proceed to an Election: and the Vice-President having propos'd whether they would make any further Address to his Majesty, the Vice-President, Dr. *Fairfax*, Dr. *Pudsey*, and Dr. *Thomas Smith*, were for a second Address; but all the rest declared immediately for proceeding to an Election. Then the Vice-President propos'd, whether they would go to an Election *viva voce*, or by Scrutiny. The Vice-President, Mr. *Tomson*, and Mr. *Charnock*, were for proceeding in it *viva voce*; but all the rest were for a Scrutiny (except Dr. *Thomas Smith*, who was for deferring the Election, till they had once more petition'd the King). Therefore it being the Sense of the Majority that they ought to proceed to the Election

Election of a President according to the Statutes, and this the last Day limited; in order to it the Holy Sacrament was solemnly taken by all except *Charnock*: then the Statutes relating to the Choice of a President, and against corrupt Elections, were read by the Vice-President: every one took the Oath prescrib'd in the Statutes (except Mr. *Tomson* and Mr. *Charnock*, who refus'd it) and the two senior Fellows were sworn Scrutators in the Scrutiny of the whole Society for the Nomination of a President; Dr. *Hough* and Mr. *Maynard* had each of them the major Part of the Voices: and then the 13 Senior Fellows being met to elect one of these two, Dr. *Hough* had eleven Voices, and was accordingly pronounc'd President by the senior Scrutator; and Mr. *Maynard* was appointed by the 13 senior Fellows to present him as President elect to the Visitor in order to his Admission. After this Mr. *Charnock* and Mr. *Tomson* declared *viva voce* for Mr. *Farmer*, according to his Majesty's Letter. The next day Dr. *Hough* being presented to the Visitor, was sworn and admitted President by his Lordship according to the Statutes, and on *Sunday* next following took the same Oath again before the Society, and afterwards as President took his Seat in the Chappel.

The King hearing of it, ordered the Lord *Sunderland* to write to the Fellows, which he did in the following Terms.

Gentlemen,

‘ THE King being inform'd that notwithstanding
 ‘ his late Mandate sent to you for electing
 ‘ Mr. *Farmer* to be President of your College, you
 ‘ made choice of another Person; his Majesty com-
 ‘ mands me to let you know he is much surpriz'd at
 ‘ these Proceedings, and expects you should send me
 ‘ an Account of what pass'd on that occasion, and
 ‘ whether you did receive his Majesty's said Man-
 ‘ date before you chose Dr. *Hough*.

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Upon

Upon which the Vice-President and Fellows drew up their Case relating to the late Election of a President, which was presented to the Duke of *Ormond*, Chancellor of the University of *Oxford*, with a Letter, wherein they humbly begg'd his Grace to interpose with his most sacred Majesty for them, that they might not lie under the weight of his Displeasure for not being in a Capacity of obeying his Commands. The Submission being not satisfactory, and the Duke of *Ormond's* Interposition little regarded, the Vice-President and Fellows were cited to appear before the Ecclesiastical Commissioners at *Whitehall*.

On *June* the 5th, the Vice-President, Dr. *Fairfax*, Dr. *J. Smith*, Mr. *Hammond*, Mr. *Dobson*, and Mr. *Fairer* Deputy-Fellows, appear'd before the Lords-Commissioners according to the above-mention'd Citation: and it being demanded of them why they refus'd to obey the King's Mandate, they desir'd time to consider of it; which was granted to the 13th. When they appear'd, the Vice-President deliver'd in their Answer, which was read by Mr. *Bridgman*; and therein they alledg'd, That the College of *St. Mary Magdalen* in *Oxon*, is a Body Corporate, govern'd by Legal Statutes, granted and confirm'd to them by his Majesty's Predecessors: That by the said Statutes of the College, to the Observation of which each Fellow is sworn, it is ordered, that the Person elected President shall be a Man of good Life and Reputation, of approv'd Understanding and good Temper, Discreet, Provident and Circumspect, both in spiritual and temporal Affairs: That at the time of Election of a President, the said Fellows are bound by the said Statutes to take an Oath that they'll nominate none to that Office but such as are or have been Fellows of the said College, or of *New-College* in *Oxon*; or if they are not actually Fellows at the time of Election, that they be such as have left their Fellowships in their respective Colleges upon credible Accounts: And then

two

two qualify'd Persons shall be nominated at the time of Election, by the greater Number of all the Fellows, to the said Office of President. The 13 Seniors also swear that they will elect one of them whom in their Consciences they think most proper and sufficient, most discreet and useful, and best qualify'd for the Place, without any regard to Love, Hatred, Favour or Fear: That every Fellow when he is admitted into his Fellowship in the said College, swears that he will inviolably keep and observe all the Statutes and Ordinances of the College, and that he will not procure any Dispensation contrary to his foresaid Oath, or any part thereof, nor contrary to the Statutes and Ordinances to which it relates. And if it shall happen that any Dispensation of this sort, of whatsoever Authority it shall be, be granted; that he will neither make use of it, nor in any sort consent thereunto. That on the 11th of *April*, they received his Majesty's Letters Mandatory to elect and admit Mr. *Anthony Farmer* President of the said College: But forasmuch as the Vice-President and Fellows apprehended the Right of Election to be in them, and believed his Majesty never intended to dispossess them of their Rights; and forasmuch as the said Mr. *Farmer* had never been Fellow either of *Magdalen* or *New-College* in *Oxon*, and had not those Qualifications which by the said Statutes of the College are required to the Character of a President; and in regard they cou'd not comply with his Majesty's Letter without the Violation of their Oaths, and hazard of their legal Interest and Property wherewith they were by the Statutes possess'd, and which by their Oaths they are bound to maintain: They represented the same by their humble Petition to his Majesty; and having defer'd the Election to the last Day limited by their Statutes, then they made choice of the Reverend Mr. *John Hough*, B. D. one of the Fellows of their College, and a Person every way qualify'd to be President; who had been since confirm'd by the Bishop of *Winton* their Visitor, as the Statutes of the said College direct. And that they might not lie

under his Majesty's Displeasure by their Proceedings, they did make an humble Representation to his Majesty, by his Grace the Duke of *Ormond*, Chancellor of the University of *Oxon*, setting forth their indispensable Obligations to observe their Founders Statutes. All which Matters they humbly offer'd to their Lordships, and pray'd to be dismiss'd with their Lordships Favour.

This Answer was sign'd but by five of the Delegates, Dr. *Fairfax* not consenting to it; and therefore he desir'd their Lordships to hear him apart, and take his Reasons why he could not subscribe. After the reading of the Answer, the Lord Chancellor *Jefferys* being in hopes he would submit, gave him leave to speak, saying, *Ay, this looks like a Man of Sense and a good Subject, let us hear what he will say.* But finding his mistake, and that he insisted that in Ecclesiastical Courts there should be a Libel given to the Party appealed, that he might know what he was accus'd of; that he desir'd that Libel, and did not know what he was call'd there for, and that the Matter did not lie in that Court but in *Westminster-Hall*; the Chancellor endeavour'd to baffle his Plea by telling him, *That he was a Doctor of Divinity, and not of Law.* To this the Doctor reply'd, *That he desir'd to know by what Commission and Authority they sat?* which put *Jefferys* into such excessive Passion as made him cry out, *Pray what Commission have you to be so impudent in Court? This Man ought to keep in a dark Room: Why do you suffer him without a Guardian? Why did not you bring him to me to beg him? Pray let the Officers seize him.* Then the Delegates were ordered to withdraw; and after a whole Hour's Debate, the Vice-President was call'd in alone, and ordered to attend the Court again with the rest of the deputed Fellows.

On *Wednesday* the 22d of the same Month, the appointed Day, the Delegates appear'd according to the Commissioners Order, and gave in their Allegations against Mr. *Farmer*; the most material of

of which were: That he had misbehaved himself in *Trinity-College in Cambridge*, and had there received Admonition from the Master, in order to his Expulsion. That having left *Cambridge*, he taught School at *Chippenham in Wiltshire*, under a Nonconformist Minister, without Licence. That in *Sept. 1683.* he was admitted of *St. Mary Magdalen-Hall in Oxon*, where such frequent Complaints were brought against him to the Principal, for his troublefom Humour and unquiet Temper, that to preserve the Peace of the Society, he was desir'd to leave the said Hall. That after his leaving *Magdalen-Hall*, he was admitted to *Magdalen-College*, where discoursing about Religion, he declar'd, *That there was no Protestant but would cut the King's Throat*; tho at other times he said, That whatsoever he pretended, he was a Member of the Church of *England*, and that he made an Interest with some *Roman Catholicks* only to get Preferment by their means, and for that reason was willing to be thought of their Religion: and that in general the said *Mr. Farmer* had the Unhappiness to be under an ill Fame as to his Life and Conversation. These Allegations were confirmed by several Letters and Certificates produc'd in Court, which *Mr. Farmer* endeavour'd vainly to confute. Nevertheless the Ecclesiastical Commissioners depriv'd *Dr. Hough* of his Presidentship, and suspended *Dr. Aldworth* and *Dr. Fairfax*, and ordered the Fellows of the College to cause their Sentence to be executed and affix'd to the Gates of their College; which they neglecting to do, they were cited to appear before the Commissioners at *Whitehall*, upon the 29th of *June*, to answer the said Contempt.

The Court by this time found that *Farmer* was a Man of so profligate a Life, that tho he had promis'd to advance the Interest of the Papists, and even to declare himself one of them upon his Promotion to that Place, they began to be asham'd of him: and therefore instead of insisting on the former Mandate in his Favour, the King granted another in behalf of *Dr. Parker*, Bishop of *Oxford*, and one of the Court

Court Creatures. But the Place of President being already in a legal manner filled up by Dr. *Hough*, (which if it had not been, yet the Bishop of *Oxford* was incapable by the Statutes of the College of being chosen) the Fellows did not think themselves oblig'd to proceed to a second Election.

The King was so incens'd at this fresh Contempt of his Orders, that he came to *Oxford* in Person; and having commanded the Fellows of *Magdalen-College* to attend him at *Christ-Church*, he ask'd Dr. *Pudsey*, the Senior of the Fellows that appear'd before him, Whether they had receiv'd his Letter? When the Doctor answer'd, They did: The King in an angry Tone reply'd, *Then you have done very uncivilly by me, and undutifully.* Here they all kneel'd, and Dr. *Pudsey* offer'd a Petition, wherein they humbly shewed, It was an inexpressible Affliction to them to find themselves reduced to such Extremity, that either they must disobey his Majesty's Command, contrary to their Inclinations, and that constant course of Loyalty which they had shewn upon all occasions; or else break their Founders Statutes, and deliberately perjure themselves. Then they mention'd the Statutes, and the Oaths that every one of them had taken at their Admission to their Fellowships; and concluded with an humble Prayer to his Majesty, to give them leave to lay their Case and themselves at his Majesty's Feet: earnestly beseeching him to extend to them that Grace and Tenderness which he vouchsafed to all his other Subjects.

But this their submissive Posture did not appease the King; who refusing to receive their Petition, vented his Resentment in these passionate Words: *Ye have been a stubborn turbulent College; I have known you to be so these twenty-five Years. You have affronted me in this. Is this your Church-of-England's Loyalty? One would wonder to find so many Church-of-England Men in such a business. Go home, and shew your selves good Members of the Church-of-England.*

land. *Get you gone. Know, that I am your King ; I will be obey'd ; and I command you to be gone. Go, admit the Bishop of Oxon Head, Principal, what d'ye call it, of your College ? (one that stood by said President) I mean President of the College. Let them that refuse it look to't ; they shall feel the Weight of their Sovereign's Displeasure.*

The Fellows then going out of the Presence, were call'd back: and the King saying to them, that he heard they had admitted a Fellow of the College since they had receiv'd his Inhibition ; *Have you not admitted Mr. Holden Fellow ?* Dr. Pudsey answer'd, *I think he was admitted Fellow ; but we conceive——* Upon which Mr. Craddock said, *May it please your Majesty, there was no new Election or Admission, but only the Consummation of a former Election. To this the King reply'd, The Consummation of a former Election is downright Disobedience ; and it is a fresh Aggravation. Get you home, I say, again, and immediately repair to your Chappel, and elect the Bishop of Oxford, or else you must expect to feel the Weight of my Hand——*

The Fellows offering again their Petition on their Knees, the King said to them, *Get you gone, I will receive nothing from you, till you have obey'd me, and admitted the Bishop of Oxon.* Upon which they immediately went to their Chappel ; and Dr. Pudsey proposing, Whether they would obey the King ? they answer'd, They were as ready to obey his Majesty in all things that lay in their Power, as any of his Subjects: But the electing the Bishop of Oxon being directly contrary to their Statutes, and the positive Oaths they had taken, they cou'd not apprehend it in their Power to obey him in this matter.

Whereupon they drew up an Address, expressing in most submissive Terms, the said Resolutions, which they gave to the President of the Council, and it was afterwards deliver'd to his Majesty at Bath. Wherever his Majesty came, he work'd a miraculous Conversion, (as his Flatterers express'd it)

it) except in *Oxford*; and therefore this being the only Opposition he receiv'd in his Progress, it could not but provoke a Monarch who expected to be obey'd in every thing. Yet before he made *Magdalen* College feel the threaten'd Weight of his Displeasure, *William Penn* the Head of the Quakers, or as some then thought, an ambitious crafty Jesuit, (who under a fanatical Out-side, promoted King *James's* Designs) was industriously employ'd not to trapan them, as he pretended in his Letter to Dr. *Bailey*, one of the Fellows, but out of a passionate Concern for their Interest, to persuade them either to a compliance with his Majesty's Letter, or to think among themselves of some Expedient to prevent the Ruin of their College, and themselves: and to offer it to his Majesty's Consideration, That the Order for the *Quo Warranto* against the College might be recall'd before it was too late; for they could not but be sensible how highly his Majesty was incens'd against them. Every Mechanick (adds *Penn*) knows the Temper of his present Majesty, who never will receive a Baffle in any thing that he heartily espou- ses; and that he does this, your selves have had too late and manifest an Instance, to doubt of his Zeal in the Affair. Where there are so many Statutes to observe, it's impossible but some must be broken, one time or another: and I am inform'd by the Learned in the Law, That a failure in any one Point, forfeits your Grant, and lays your College at the King's Mercy. I could, *says he in the Conclusion*, give many other prudent Arguments, that might possibly encline you to put an end to your Troubles almost at any rate: but I shall only suggest this one thing to you, That your fatal Overthrow would be a fair beginning of the so much aim'd-at Reformation, first of the University, then of the Church; and administer such an Opportunity to the Enemy as may not perhaps occur in his Majesty's Reign.

To this Letter the College return'd an Answer, wherein, among other things, they declar'd, They are not conscious of ever having given his Majesty any such Offence, and therefore have no reason to fear the issuing out of a *Quo Warranto* against them. And as for the rest, they believe no Instance can be given of a *Quo Warranto* brought against a College or Hall in the Universitys, or in any other Ecclesiastical Corporation, for the Abuses of some of the Constitutions and Franchises in them: That the Misdemeanors of particular Persons will not destroy a College; and that if the Corporation of a College should be dissolv'd, the Revenues thereof will return to the Founder's Heirs, and not devolve to the Crown: That if their College must be the first Example of that kind, they shall be better justify'd by the Observation of their Statutes, at least to God and their own Consciences, than they could have been by a voluntary and deliberate Breach of them. They conclude, with mentioning their Loyalty to the Crown, particularly in *Monmouth's* Rebellion, when they rais'd a Company at their own Charges, and under Command of their Fellows engag'd against him.

Several other Persons used their Endeavours to bring the Fellows to a Compliance; which proving still ineffectual, they were cited before the Bishop of *Chester*, Sir *Robert Wright* Chief-Justice of the *King's-Bench*, and Sir *Thomas Jenner* one of the Barons of the Exchequer. These three being added to the other *Ecclesiastical Commissioners*, and particularly empower'd to visit *Magdalen-College* only, the President Dr. *Hough*, and the Fellows appearing, the Bishop of *Chester* made a Speech, and began with severe Reflections upon Disloyalty and Disobedience, particularly on their undutiful Behaviour to his Majesty, when at *Oxon*, in denying compliance with his just and reasonable Request. He urg'd, That the Church of *England* taught an unconditional and unlimited Obedience: then enlarg'd upon his Majesty's gracious Temper, that would have no

Man oppress'd in things against his Conscience, but would suffer all Men to worship God in their own way. In the mean time (*continu'd he*) we cannot but suppose his Majesty will make use of all prudent and lawful Methods to encourage those of his own Religion, without injuring the Church of *England*, which is, at present, the Religion by Law establish'd; for his Majesty will maintain that Altar at which he himself does not worship: but at present we are in more danger of Profaneness than Popery. He told them, That their Corporation, as others, was a Creature of the Crown, and that it was Insolence in their local Statutes to spurn against their Maker. That their Distempers had brought this Visitation upon them, the Consequences of which might be ill to the Church and Universities. He exhorted them by the Bowels of Christ, to consider these things. He told them, That the Eyes of the World were upon them; and they ought to take care that their Practices might not influence their Admirers. In short, the whole design of this Speech seem'd, by Promises and Threats, to aim at the inducing them to comply.

In the Afternoon, the *Commissioners* being sat, the Bishop of *Chester* ask'd Dr. *Hough*, Whether they would submit to his Visitation? To which the Doctor answer'd, in the name of himself and the greater part of the Fellows, that *they submitted to it as far as it was consistent with the Laws of the Land, and the Statutes of the College, and no farther*; and desir'd their Lordships, that this Declaration might be recorded. The next Question the Bishop put to him, was, Whether *they observ'd all those Statutes*? And the President answer'd, *They hop'd they did. You have a Statute there for Mass* (*reply'd he*) *Why do not ye read Mass*? This Question from a Bishop was a little surprizing: but the President soon answer'd it, by telling him, that the matter of that Oath was unlawful; and in such a Case, no Man was oblig'd to observe an Oath: and besides, That Statute was taken away by the Laws of the Land.

After

After several other frivolous Expostulations, the Bishop of *Chester* demanded first, all their Registers : Secondly, an Account of the Revenues of their College, and their Benefactors, to what use the Money was assign'd, how employ'd, and how far converted to other uses ; or in plain *English*, how far it was design'd for Hospitality. And thirdly, a Copy of all the Leases they had let for two years last past.

At the next sitting, Dr. *Hough* was several times requir'd to deliver up the Keys and quiet Possession of the Lodgings to the Person whom his Majesty had appointed President. Which the Doctor refusing to obey, alledging the Legality of his Election, the King's Proctor stood up, and accus'd him of Contumacy : and then the Bishop of *Chester* admonish'd him three times to depart peaceably out of the Lodgings, and to act no longer as President of his College. The same day in the Afternoon, the Bishop of *Chester* ask'd the Fellows, Whether they would admit the Bishop of *Oxon* President, since Dr. *Hough's* Place was declar'd void ? To which the greater part answer'd, They could not do it, without premeditated Perjury ; and therefore would not do it.

During this Examination, Dr. *Hough* came into Court without any Attendance ; and having waited till it was ended, and the Commissioners at a Pause, he desir'd leave to speak a few Words : which being granted, he said, *That they having been pleased to deprive him of his Place of President of that College, he did protest against all their Proceedings in prejudice of him, and his Right, as illegal, unjust, and null : therefore he appeal'd to his Sovereign Lord the King in his Courts of Justice.* Upon which, the Strangers and new Scholars in the Room gave a Humm : which so incens'd their Lordships, that notwithstanding all the Protestations the President and Fellows could make, the President in particular offering to purge himself by Oath, that he was no ways accessory to it ; yet the Lord Chief-Justice was not to be pacify'd,

fy'd, but charging it upon Dr. *Hough*, bound him in a Bond of 1000 *l.* and Security to the like Value, to make his Appearance at the *King's-Bench* Bar the Term following. Moreover, the Lord Chief-Justice said, *They had met with nothing but Affronts from the College: that as for himself, he valu'd not what People said of him; but was resolv'd to vindicate the Honour of his Master to the last drop of his Blood, and if the Civil Power could not keep them in order, the Military should.* Baron *Jenner* likewise shew'd his Resentment upon this occasion, by punning, according to the best of his Capacity, on the late President's Name, and saying to him, *Sir, you must not think to huff (Hough) us:* About which time several Officers then in Town, came into the Room.

At the next sitting, Dr. *Stafford*, one of the Fellows, offer'd a Paper in answer to what was objected the *Friday* before, That the King's Mandate in favour of Mr. *Farmer*, imply'd an Inhibition. Which their Lordships having perus'd, would not suffer to be read publickly, but ask'd the Fellows, Whether they would sign it? bidding them *to do it at their Peril.* The Fellows being withdrawn, and not thinking it was necessary to sign a Plea which the Commissioners refus'd to have argu'd, they return'd the Paper into the Court, subscrib'd only by Dr. *Fairfax* and Dr. *Stafford.* Their Lordships taking no farther notice of that Paper, the Bishop of *Chester* ask'd the Fellows, Whether they would install the Bishop of *Oxford* President, or assist at the installing of him? To this they answer'd, as before, That as they could not do it without deliberate Perjury, so it was not in their Power to do it. Thereupon Mr. *Wiggins* Chaplain to the Bishop of *Oxford*, empower'd as a Proxy to be install'd President for his Lord, (then confin'd to his Chamber by some Indisposition) was put into the President-Stall by the Bishop of *Chester*, none of the Fellows being present but Mr. *Charnock*; and took the Oath which the Statutes enjoin the President at his Admission, and the Oath of Allegiance and Supremacy. Then

Then their Lordships conducted him to the President's Lodgings, where knocking three times, and the Door not being open'd, a Smith was sent for to force it open, and Mr. *Wiggins* took Possession of the Lodgings.

Immediately after, the Bishop of *Chester* ask'd the Fellows, Whether they would obey the Bishop of *Oxon*, as now install'd President by virtue of the King's Mandate? Dr. *Fairfax* answer'd, *He neither could nor would obey him, having already a lawful and statutable President.* Others comply'd with his Majesty's Pleasure; and others again desir'd time to consider so weighty a Question: which was granted; the Bishop of *Chester* bidding them go and consult about it among themselves. In the Afternoon, this Answer was given in by the Society (except Dr. *Fairfax*) 'That whereas his Majesty had been pleased, by his Royal Authority, to cause the Bishop of *Oxon* to be install'd President, they did submit as far as was lawful and agreeable to the Statutes of the College, and no way prejudicial to the Right and Title of Dr. *Hough*.' This Answer was allow'd, except the last Clause, which the Lord Chief-Justice and Baron *Jenner* declar'd as Judges to be insignificant, since nothing they could do could invalidate Dr. *Hough*'s Title; but left them still at liberty to be Witnesses for him, or to be any other way serviceable to him in recovery of his Right: and upon this Assurance the Society was prevail'd with to leave out the last Clause. Dr. *Fairfax* persisting in his former Answer, receiv'd Sentence of Expulsion: Against which he protested as null, unjust and unlawful. This Protestation was over-rul'd by the Commissioners, and a Copy of the Sentence deny'd, tho most earnestly desir'd at the Instance of Dr. *Hedges* and Mr. Vice-Chancellor. Two days after, their Lordships thinking they had gain'd their Point, declar'd, That they were well satisfy'd with the Answer the Society had given them; and tho before they had laid a Libel to their Charge, yet that night they declar'd, They had met with nothing

thing but Civility, and that they should receive the same from them: That they had shewn themselves Men of excellent Temper; and that they would represent it faithfully above to their Advantage, and immediately dispatch an Express to Court, with an Account of their Proceedings.

The next day, the Fellows having been order'd the day before to bring in their Answer to the following Questions:

(1.) What Gifts and Provisions they had for the Entertainment of Strangers?

(2.) What was the Value of them?

(3.) How they were apply'd?

(4.) And where was the place of Entertainment?

They made it appear very satisfactorily, that one year with another they gave almost 100 *l.* in Charity-Mony, over and above what by their Statutes they were oblig'd to give. Upon which their Lordships expatiated upon their generous Bounty and Liberality, saying, 'The Complaint on this account was groundless, and that it would induce his Majesty to entertain better Thoughts of them in all other Matters.'

At the next Sitting, the Fellows having presented to the Commissioners a List of Leases, which had been renew'd two years last past, Mr. *Charnock* (the new Convert) ask'd their Lordships, Whether those Leases stood good, which had been seal'd since Dr. *Hough's* Election? The Lord Chief-Justice answer'd, Yes; for Corporations always speak by their Seals. Then their Lordships perus'd the College-Registers, and finding nothing in them to object against, they were return'd, and the Court adjourn'd.

The next day, the Commissioners acquainted the Fellows, They had represented them fairly to the King; but that his Majesty expected some farther Submission, which they advise them to make, by acknowledging their Contempt of his Sacred Majesty in Person, and to his Letters: That they should promise to behave themselves loyally for the future: That they should own the Proceedings, and the Legality

gality of the Court ; implore his Majesty's Pardon, and lay themselves at his Feet ; and that they should declare their entire Submission to the Bishop of *Oxon*, as their President. The Fellows answer'd in Writing, That they had endeavour'd, in all their Actions, to express their Duty to his Majesty ; and being conscious to themselves, that in the whole Conduct of the Business before their Lordships, they had done nothing but what their Oaths and Statutes had indispenibly oblig'd them to, they could not make any Declaration whereby to acknowledg they had done any thing amiss, having acted according to the Principles of Loyalty and Obedience, so far as they could, without doing Violence to their Consciences, or Prejudice to their Rights, (one of which they conceiv'd the electing of a President to be) from which they were sworn, upon no account, to depart.

Upon the perusal of this Answer, their Lordships express'd their Dislike of it, saying, ' It did not come up to the Address sent to his Majesty at *Bath*, nor to the Paper they deliver'd in on *Tuesday*.' Upon which a fresh Question being put to the Fellows, Whether they would obey the Bishop of *Oxford* as their President, all, except one or two, answer'd, *They could not do it*. Then Mr. *Fullam*, being particularly interrogated, he alledg'd, That the Bishop of *Oxford* had no Possession in due Form of Law, nor by proper Officers ; and that he was inform'd, that the proper Officers to give Possession of a Freehold, was the Sheriff, with a *Posse Comitatus*. The Commissioners reply'd, *You may have one soon enough*.

Mr. *Fullam* endeavour'd to make an Excuse for what he had said ; which their Lordships rejected : and having thought fit to suspend him from the Profits of his Fellowship, for his Contempt and his opprobrious Language, they adjourn'd till the 16th of *November*, and immediately went for *London*. The King having seen an Account of the Proceedings of the Visitors, his Majesty order'd them, that at their Return to the College, they should summon

all

all the Fellows to appear before them, and endeavour to make them sensible of their Offences; and if they should refuse to subscribe the above-mention'd Submission, immediately to expel them for their Obstinacy. Pursuant to these Instructions, the Commissioners return'd to *Oxford*, and being sat, the first thing they did was to send for the Buttery-Book. Then they call'd for Mr. *Joyner* and Mr. *Allibone*, two Roman Catholicks, whom they entred actual Fellows; all Oaths being dispens'd with, besides that of the College. That done, the Bishop of *Chester* made a Speech to the Fellows, wherein he told them, That their many Contempts and wilful Disobedience had occasion'd this Visitation; which would end at last in their Ruin: That their Society had been long exercis'd in the Methods of quarrelling; had always been troubled with factious Spirits and testy Mutineers, ever since the Restoration of the late King: That they had encourag'd Quarrels among themselves, Quarrels between themselves and President, Quarrels at length between themselves and Visitor: That by these Steps, from quarrelling with the President and Visitor, they had at last advanc'd to the highest pitch of Insolence, to quarrel with their Prince, and affront his Sacred Majesty. Then he endeavour'd to make them sensible of their irregular Conduct, and heinous Offences, from their first disobeying the King's Mandate, to that day. He told them, They urg'd the Observance of their Statutes, of which they had not been so constant Observers, when their own Humour prompted them to a Dispensation: witness (said he) that of being serv'd *per Masculos*; by which great Scandals have come to this Society, by reason of Bastards. His Majesty (added he) was extremely amaz'd that his Clemency should be despis'd; but yet to your Comfort be it spoken, his Patience and Goodness extend as far as your Provocations can: But if you still persist in your Obstinacy, those that are too tall to stand and too stubborn to bend, deserve to be broken. And now I think I have said

said enough to let you know, that the Fig-Leaves you have so artificially stitch'd together, are not sufficient to cover your Nakedness. I wish to God you had the same Tenderneſs for your Concern, as his Majesty's Commissioners have for you. But if you will persist to oppose the Royal Power of the King, we who are come to vindicate the Right and Honour of his Majesty, resolve to discharge our Conſciences and Duties to God and the King, without any respect of Popularity ; that is but the Paradise of Fools, and Scorn of wise Men : and therefore, as for us, we have no more regard to Peoples dislike than what they dream. By reason therefore of your late hypocritical Submission, the Commissioners have thought fit to draw up an Instrument ; to which if you shall immediately subscribe before we leave the Room, we shall leave you to his Majesty's Pardon : and this we expect from you all, except *Mr. Thomas Smith* and *Mr. Charnock*, with whose Behaviour the King is so well satisfy'd, that he expects no more from them.

The above-mention'd Submission being read to the Fellows, all (except *Dr. Tho. Smith* and *Mr. Charnock*) refus'd to sign it. *Mr. Tompson* being call'd in his Turn, alledg'd, That he had been always obedient to the King's Commands ; that he was not concern'd in the Election of *Dr. Hough* ; that he voted for *Mr. Farmer*, and was ready to submit to the Bishop of *Oxon* : and so he was excus'd.

After a short time, all who refus'd to sign the Submission, being Twenty-six in number, were call'd in, and by Sentence of their Lordships depriv'd and expell'd from their Fellowships, for their Disobedience to his Majesty's Commands, and obstinately contemning his Royal Authority. Against which they all protested, declaring, They would use all just and legal Ways of being reliev'd.

The Sentence ran in this Form.

By his Majesty's Commissioners for Ecclesiastical Causes, and for visiting the Universities, and all and every Cathedral and Collegiate Churches, Colleges, Grammar-Schools, and other the like Incorporations, or Foundations and Societies.

*Fellows of
Magda-
len College
made inca-
pable of Ec-
clesiastical
Preferment
by their
Names,
Dec. 10.
1687.*

WHEREAS we thought fit by our Order of the 22d of June last, to declare and decree, That the pretended Election of Mr. *John Hough*, now Dr. *John Hough*, to the Presidency of *St. Mary-Magdalen-College* in the University of *Oxford*, was void, and therefore did amove the said Mr. *Hough* from the Place of President of the said College : And whereas the Fellows of the same were likewise convened before us for their Disobedience to, and Contempt of his Majesty's Authority, by making the said pretended Election : And it now appearing unto us, that the said Dr. *John Hough*, Dr. *Charles Aldworth*, Dr. *Henry Fairfax*, Dr. *Alexander Pudsey*, Dr. *John Smith*, Dr. *Thomas Bayley*, Dr. *Tho. Stafford*, Mr. *Tho. Aimont*, Mr. *Mainwaring*, Mr. *Hammond*, Mr. *John Roberts*, Mr. *Richard Strickland*, Mr. *Henry Dobson*, Mr. *James Bayley*, Mr. *John Davis*, Mr. *Francis Bagshaw*, Mr. *James Fayrer*, Mr. *Joseph Harwar*, Mr. *Thomas Bateman*, Mr. *George Hunt*, Mr. *William Craddock*, Mr. *John Gillman*, Mr. *George Fulham*, Mr. *Charles Penystone*, Mr. *Robert Hyde*, Mr. *Edward Yerbury*, Mr. *Henry Holden*, and Mr. *Stephen Weeks*, lately Fellows of the said College, do persist in their Disobedience and Contempt : We have thought fit, upon mature Consideration of the Matter, to declare, decree, and pronounce, that the said Dr. *John Hough*, &c. and every of them, shall be, and from henceforth they are hereby declared and adjudged incapable of receiving or being admitted into the same;

‘ same ; and all Archbishops, Bishops, and other
‘ Ecclesiastical Officers, and Ministers within the
‘ Realm of *England*, are hereby requir’d to take
‘ notice of this our Sentence, Order and Decree,
‘ and to yield Obedience thereto.

Given under our Seal, the 10th of December,
1687.

This Sentence was confirm’d by a Decree on the 10th of *December*, made at *Whitehall* by the *Ecclesiastical Commissioners* ; and ostentatiously set forth in the *London-Gazette*, with a recital of the Fellows Names, declaring, That Dr. *Hough* who had been depriv’d before, and the said Twenty-six Fellows, should be incapable of receiving or being admitted into any Ecclesiastical Dignity, Benefice, or Promotion ; and such of them who were not yet in holy Orders, they adjudg’d incapable of receiving or being admitted into the same.

Thus by a Sentence of an illegal Court were a Society of learned and worthy Protestants turn’d out of their Freeholds, to make room for a Popish Seminary ; and thus was King *James* prevail’d with, by his evil Ministers, to assume a Power not only to dispense with Laws, but with Oaths also. After the Expulsion of the Fellows, they went on in their Irregularities ; Mr. *Charnock* was made Vice-President, and other Roman-Catholicks prefer’d. To acknowledg the King’s Favour, the Bishop of *Oxford* publish’d a Book, containing Reasons for abrogating the Test and Penal Laws : And his Majesty commanded the Stationers not to print any Answer to the same.

Some Months after this, one thing remarkable, *Demies* and which was transacted not long before Bishop *expell’d* *Parker’s* Death, was this : His Lordship having *Magdalen* first by Careless endeavour’d to bring the *Demies* *College.*

The HISTORY of

of *Magdalen-College* to comply with the King's and his own designs, by offering Fellowships upon the present foot to them, which they generally rejected; he wrote at length to Court, *That he found it signify'd little that they had crack'd the Lice* (meaning the *Fellows*) *unless they also destroy'd the Nits*: upon which he soon receiv'd an Order to expel the Demies, who, as I have been inform'd, were about eighteen in all.

Bishop *Parker*, who had almost run the Circle of Religion, and would, it's thought, if he had liv'd much longer, have centred in Popery, was now by an irresistible Power call'd to give an Account of his Actions; for on the 20th of *March*, 1687-8, he departed this Life in the President's Lodgings in *Magdalen-College*. He was succeeded in his See by Dr. *Timothy Hall*; but in his Presidentship by *Bonadventure Gifford* a *Sorbon* Doctor, and Secular Priest, Bishop elect of * *Madaura*, in *partibus Infidelium*; who being installed therein by Proxy on the 31st of the same Month, took possession of his Seat in the Chappel and Lodgings belonging to him as President, on the 15th of *June* following. This was done by absolute Will and Pleasure, without the Assistance of the Ecclesiastical Commission; which, no doubt, if its help had been wanted, was grown so pliable, as to do the Work without Hesitation,

Both the University's being strangely alarm'd at the haughty and violent Proceedings of this Commission, there was another matter, that in some time came on, which alarm'd the whole Nation; for now it might truly be said, *That the Church was in Danger*; and that was the Tryal of the Seven Bishops. The Declaration of Indulgence,

* It's a common Practice in the Church of Rome ^o to consecrate Bishops of Places situate in Infidel Countrys, to keep up a Claim of the Universality of its See. And this *Gifford* was made titular Bishop of *Madaura*, an antient City, betwixt *Lambesa* and *Hippo*, in Africa.

which

which had promis'd to protect them in the quiet and full Enjoyment of their Rights, without Molestation or Disturbance, was made a Trapan not only to deprive them of their Possessions, but even their Lives too, if possible. In order to which the first Declaration being reinforce'd with a second Publication, and an Order of the King's Council affix'd to it, for the reading of it at the usual time of Divine Service, in all the Churches and Chappels throughout the Kingdom; Directions were also given the Bishops to cause the said Declaration to be sent and distributed thro their several and respective Diocesses, to be read accordingly.

The Jesuit *Orleans*, without citing the least Authority for it, says, That the putting the Bishops upon reading the King's Declaration, was originally the Contrivance of the Presbyterians, or rather of their Parsons; who thinking to make their Advantage of the Controversys between the Court and Church of *England*, caus'd some Roman Catholicks to insinuate to the King, that the better to bring the Parliament to grant Liberty of Conscience, he should oblige the Bishops to publish it in their Churches.

But to pass this over, the Bishops well knowing the Consequence of reading the Declaration, the Archbishop of *Canterbury*, with six more of his Brethren, most humbly petition'd the King against it, as being a Matter of so great Consequence to the Nation, both in Church and State, that they could not in Prudence, Honour and Conscience, so far make themselves Partys to it, as the Distribution of it all over the Nation.

The King having for the present given them a rough Answer: Dr. *William Sancroft*, Archbishop of *Canterbury*; Dr. *William Lloyd*, Lord Bishop of *St. Asaph*; Dr. *Francis Turner*, Lord Bishop of *Ely*; Dr. *John Lake*, Lord Bishop of *Chichester*; Dr. *Thomas Kenn*, Lord Bishop of *Bath and Wells*; Dr. *Thomas White*, Lord Bishop of *Peterborough*; and

Bishops requir'd to read the King's Declaration.

Father Orleans wou'd make the Presbyterians the Cause of the Prosecution of the Bishops.

Bishops petition against reading the Declaration.

and Sir *Jonathan Trelawny*, Lord Bishop of *Bristol*; were by a Warrant from the Council committed to the *Tower*.

*Bishops
Commit-
ment by
whom sign-
ed.*

The Warrant for their Lordships Commitment to the *Tower* was sign'd by the Lord Chancellor *Jefferys*; the Lord President; *Henry*, Lord *Arundel* of *Warder*, Lord Privy-Seal and a Papist; *William* Marquess of *Powis*, a Papist; *John* Earl of *Mulgrave*, Lord Chamberlain, now Duke of *Buckingham*; *Theophilus* Earl of *Huntington*; *Henry* Earl of *Peterborough*, a Papist; *Roger* Earl of *Castlemain*, a Papist; *Richard* Lord Viscount *Preston*; *Henry* Lord *Dover*, a Papist, &c.

*Manner of
the Bishops
Tryal re-
solvd on.*

The next thing to be consider'd was the manner how they should try these Reverend Fathers of the Church. It was thought by some that the Ecclesiastical Commission was the properest way to manage them; but others, and particularly the Chancellor, as 'twas then given out, advis'd the King to prefer an Information against them at the King's Bench, which was resolv'd on. So that this important Affair does not seem so properly to come within the compass of our History: but seeing nothing contributed more towards the Dissolution of the Ecclesiastical Commission than the Acquittal of these Prelates, we take the freedom to give a succinct Account here of their Tryal.

*Peers in
Court at
the first
Appearance*

*of the Bi-
shops,
June 15.*

Their Lordships being, by *Habeas Corpus* returnable *immediatè*, brought from the *Tower* to *Westminster-Hall*, on the 15th of *June*; there appear'd at that time these following Peers, viz.

Marquess of *Hallifax*,
Marquess of *Worcester*,
Earl of *Shrewsbury*,
Earl of *Kent*,
Earl of *Bedford*,
Earl of *Dorset*,
Earl of *Bullingbrook*,

Earl of *Danby*,
Earl of *Radnor*,
Earl of *Nottingham*,
Earl of *Manchester*,
Earl of *Burlington*,
Earl of *Carlisle*,
Ld Viscount *Falconbrige*,

Lord Grey of Ruthen, Lord Vaughan, and Earl
Lord Paget, of Carbery in Ireland.
Lord Chandois,

The Judges upon the Bench were,
Sir Robert Wright, Lord Chief Justice,
Mr. Justice Holloway,
Mr. Justice Powell,
Mr. Justice Allybone, a Papist, } Judges.

Judges to
try the Bi-
shops.

As for the Council, a late Author says concern- *Odd mix-*
ing some of them, that there was as strange a *ture of*
mixture at the Bar, as there was on the Bench: *Council at*
Sir Robert Sawyer the late Attorney-General, *the Bar.*
and Mr. Heneage Finch, now Lord Guernsey,
late Solicitor-General, who had been so zealous to
find my Lord Russel, Colonel Sidney, Mr. Cornish,
&c. guilty of High-Treason, and for Surrender
of Charters, being now both turn'd out, were as
zealous for the Acquittal of the Bishops; and the
new Solicitor-General, Sir William Williams, who
of a most zealous Prosecutor of the Abhorrrers of
Petitioning for the Sitting of a Parliament in the
Reign of King Charles II. was become as zealous
for finding their Misdemeanor.

But to proceed: There were five Council for *Council for*
the King employ'd in this important Cause, viz. *the King.*

Sir Thomas Powis, Attorney-General.

Sir William Williams, Solicitor-General, above-
nam'd.

Sir Bartholomew Shower, Recorder of London.

Mr. Serjeant Baldock, and

Mr. Serjeant Trinder.

As the prosecuted Bishops were Seven in Num-
ber, their Council were proportion'd to them, and
they were these that here follow:

Sir Robert Sawyer, late Attorney.

Mr. Finch, late Solicitor-General.

Sir

Sir Francis Pemberton.

Sir Creswell Levinz.

Mr. Pollexfen.

Sir George Treby.

Mr. Somers, now Lord Somers.

The Bishops being brought into the *King's Bench-Court*, by virtue of a *Habeas Corpus*; the Attorney-General, Sir *Thomas Poms*, mov'd their Lordships might plead to an Information against them: But the Council for the Bishops rais'd Objections against the Legality of that Commitment; first, that the Return was not good, because it ran by the *Lords of the Council*, and not *in Council*, as it ought to have done in Form of Law: The other was, that the Bishops and Peers could not be committed for a Misdemeanor.

After the Council on both sides had argu'd on these two Points, Mr. Justice *Powell* differ'd from the rest of the Judges, affirming, that both Points were of such weight, that he could not give his Opinion, till he had consulted the Books and Precedents in both Cases: but the other Three having given their Opinions that the Return was good, the Debate was hotter upon the other Point; the King's Council maintaining that a Peer might be committed for such a Misdemeanor; they argu'd also from the Information, in which were the Words *Vi & Armis contra Pacem*, Pen and Ink in writing a Petition, being taken for Arms, (as in *Algernon Sidney's Case*, it was said, that *scribere est agere*) therefore the Misdemeanor of the Bishops being such, as would have requir'd Sureties of the Peace, the Bishops Council were over-rul'd, and the Information by Vote of three of the Judges was read; which was for forming, contriving and writing a certain false, factious, pernicious and seditious Libel, under pretence of a Petition; which was the Petition before-mention'd.

The

The Information being read, the Bishops Council desir'd an Imparlance; which the Court, after a long Argument, would not allow of, in regard it had been their Practice not to grant any for twelve Years last past : upon which the Archbishop put in a Plea in writing to the same Effect which his Council had pleaded, but that being over-ru'd by three of the Judges (for Mr. Justice Powell sided all along with the Arguments on the Bishops side) both his Grace, and their Lordships the other Bishops pleaded all severally to the Information; and then the Court having taken the Archbishop's Recognizance in 200 *l.* and the Bishops in 100 *l.* a-piece, rose for that time.

Within a Fortnight after, *viz.* June 29th, the Bishops came to their Tryal at the King's Bench Bar, where the following Nobility were present.

Marquess of <i>Hallifax</i> ,	Earl of <i>Clarendon</i> ,	Noblemen at the Bishops Tryal, June 29.
Marquess of <i>Worcester</i> ,	Earl of <i>Danby</i> ,	
Earl of <i>Shrewsbury</i> ,	Earl of <i>Sussex</i> ,	
Earl of <i>Kent</i> ,	Earl of <i>Radnor</i> ,	
Earl of <i>Bedford</i> ,	Earl of <i>Nottingham</i> ,	
Earl of <i>Pembroke</i> ,	Earl of <i>Abington</i> .	
Earl of <i>Dorset</i> ,	Lord Viscount <i>Falconberg</i> ,	
Earl of <i>Bolingbrook</i> ,	Lord <i>Newport</i> ,	
Earl of <i>Manchester</i> ,	Lord <i>Paget</i> ,	
Earl <i>Rivers</i> ,	Lord <i>Chandois</i> ,	
Earl of <i>Stamford</i> ,	Lord <i>Vaughan Carbery</i> ,	
Earl of <i>Carnarven</i> ,	Lord <i>Lumley</i> ,	
Earl of <i>Chesterfield</i> ,	Lord <i>Carteret</i> ,	
Earl of <i>Scarsdale</i> ,	Lord <i>Osulston</i> .	

As soon as the Jury were sworn, who were these ;

Sir Roger <i>Langley</i> , Bart.	Jeoffery <i>Nitingale</i> , Esq;	Bishops Jury.
Sir William <i>Hill</i> , Kt.	William <i>Withers</i> , Esq;	
Roger <i>Fennings</i> , Esq;	William <i>Avery</i> , Esq;	
Thomas <i>Harriot</i> , Esq;	Thomas <i>Austin</i> , Esq;	

Nicholas Price, Esq; *Thomas Done, Esq;*
Michael Arnold, Esq; *Richard Shoreditch, Esq;*

The Information was read; and the King's Council, Sir *Thomas Powis*, Sir *Will. Williams*, &c. having open'd the Matter, proceeded first to prove the King's Declaration therein mention'd; and next the Petition to be the Archbishop's Hand-writing, and sign'd by the rest of the Bishops, by similitude of Hands; at which time *Sidney's* Case was strongly urg'd and vigorously oppos'd by the Bishops Council, who also deny'd the Writing of the Petition to have been in *Middlesex*, as it was said in the Information. After which it was strongly argu'd, whether the delivering it to the King was a Publication of it; to prove which, several Courtiers, and particularly the Clerks of the Council, Mr. *Blaittwait*, Mr. *Bridgman* and Mr. *Musgrave*, were examin'd as Witnesses, and afterwards the Lord President. And upon the whole, the Bishops Charge was for conspiring to diminish the Royal Authority, and Regal Prerogative of the King; in Prosecution whereof they did seditiously make a Libel against the King under pretence of a Petition, and publish'd the same in the King's Presence.

Sir Thomas Powis's Pleading. And thus Sir *Thomas Powis*, the Attorney-General, very sophistically argu'd as to the point of the Petition's being a Libel; ' That whether a
 ' Libel be true or not, as to the Matter of Fact,
 ' was it ever yet in any Court of Justice permitted to be made a Question, whether it were a
 ' Libel or no? Or whether the Party should be
 ' punish'd? And therefore he wonder'd to hear
 ' those Gentlemen say, that because it was not a
 ' false one, therefore it was not a Libel. He allow'd the most inferior Person might petition
 ' the King; but might he therefore suggest what
 ' he pleas'd in his Petition? And should he come
 ' and tell the King to his Face, that what he did
 ' was illegal? That there was a great deal of difference

ference in not doing a thing that was commanded, if one was of the Opinion that it was unlawful, and coming to the King with a Petition highly reflecting upon the Government, and with scandalous Expressions, telling him, Sir, you act illegally; you require of us that which is against Prudence, Honour or Conscience, as the Lords the Bishops were pleas'd to do in that Petition of theirs.' That there was no greater proof of the Influence of that Matter than the Crowd of that Day, and the Harangue that had been made; that it was apparent the taking the Liberty to cancel and dispute the King's Power and Authority, and to censure his Actions, possess the People with strange Opinions, and raised Discontents and Jealousies, as if the free Course of the Law were restrain'd, and arbitrary Will and Pleasure were set up instead of it. He then added, That if the Bishops had given themselves the opportunity of Reading the Declaration seriously, they would have found at the End of it, that the King had resolv'd to call a Parliament in *November*: And might not the Bishops have acquiesc'd under their Passive Obedience, till the Parliament met? That there was no Precedent for doing this out of Parliament. He then concluded very argumentatively, that the Information was laid malicious and seditious, because, said he, if the thing be illegal, the Law says it is malicious.' The Solicitor-General *Williams* harangu'd the Court (if possible) more ridiculously and less to the purpose than Mr. Attorney, for which he was hiss'd twice by the People; upon which Mr. Attorney was very angry, and said, 'This is very fine indeed; I hope the Court and Jury will take notice of this Carriage.

The Dispensing Power was very learnedly confuted by the Bishops Council, who brought several Records and Acts of Parliament to confirm what they said; farther, That the delivery of the Petition was Legal, and that the Bishops were no such

ill Persons as the King's Council represented them.

*Judges
Opinions in
summing up
the Evi-
dence.*

Wright.

Holloway.

The Lord Chief Justice *Wright*, upon summing up the Evidence, was of Opinion, the Petition was a Libel; and so deliver'd his Judgment upon it to the Jury.

Mr. Justice *Holloway* was of Opinion it could be no Fault to deliver a Petition: so that unless the Jury were satisfy'd that there were an ill Intention in the Delivery of it, they were not to find the Bishops guilty; neither indeed did he think it a Libel unless the Intention was ill.

Powell.

As for Mr. Justice *Powell*, he declar'd he could not see for his part any thing of Sedition, or any other Crime fix'd upon those Reverend Fathers the Bishops, and deny'd there was any such thing as a Dispensing Power in the King; which, if it were once allow'd of, there would be no need of Parliaments, since all the Legislature would be in the King: which he recommended to the Consideration of the Jury.

Allibone.

The Popish Judge *Allibone*, who had no more right to sit upon that Bench, than the Pope himself; straining the Point to all the height he could, would have the Jury believe, that all manner of Petitioning to the King, in contradiction to his Government, unless it were by the Lords and Commons assembled in Parliament, was seditious: but urging his Memoirs too far, he was taken up by Justice *Powell* for Misquotation, and the Solicitor convicted' him of a manifest Error.

Thus after a full Hearing on both Sides, and the Opinion of the Judges given, the Court rose. The Jury sitting up all Night, the next Morning the Bishops being in Court, brought them all in *not Guilty*; which was a Verdict so pleasing to the

Pec-

People, that it filled *Westminster-Hall* with Acclamations, the Camp at *Hounslow* with loud Shouts, and all the Land with excess of Joy, for their Lordships Deliverance.

The Nation now began to be in a high Ferment: during which, the Ecclesiastical Commission, which for some Months lay dormant, made its Exit. For on the 3d of *October*, the Archbishop of *Canterbury*, with eight Bishops more, having thought fit to wait upon the King with their humble Advice in ten Propositions; in the second of them desir'd, he would be graciously pleas'd to annul his Commission for Ecclesiastical Affairs; and that no such Court as that Commission set up, should be erected for the future. And having at the same time, in another Article, pray'd that no Dispensation might be granted or continu'd; and particularly, that he would restore the President and Fellows of *Magdalen-College* in *Oxford*: he gave Orders two days after to dissolve the Ecclesiastical Commission; and on the 12th of the same Month, that the Fellows of *Magdalen College* should be restor'd to their Properties again; and the Bishop of *Winchester*, Visitor of the said College, was to see the regular Settlement thereof. Which was done soon after, by re-instating Dr. *Hough* President, and the Fellows in their respective Places.

There was written in the Year 1688, a little before the Revolution, and publish'd by Authority, *A Vindication of the Proceedings of his Majesty's Ecclesiastical Commissioners against the Bishop of London, and the Fellows of Magdalen-College.* Wherein the Author in the first Section pretends to prove the Legality of the Court; fairly to state and examine the Bishop of *London's* Case, in the second. He comes in the third to give an Account of the Proceedings of the Commissioners for visiting of *Magdalen-College*: and the Points to be discuss'd, he reduces to these two; 1. Whether the King by his Prerogative might not dispense with

with the College-Statutes? 2. Whether when there was a Dispensation granted, the Fellows were by their Oath oblig'd to act according to those very Statutes that were dispens'd with? Very little need be said in Answer to this, seeing 'tis now the general Consent, that the very Foundation was wrong, viz. The Commission it self illegal.

*Illegality
of the Ec-
clesiastical
Commission
set forth.*

However, let us observe, that King *Henry VIII.* by virtue of a full Supremacy, was enabled not only to delegate Commissioners, but to appoint a Vicar-General to act in Ecclesiastical Causes, after a manner too absolute for any Prince; and by virtue of a Branch of an Act in *1 Eliz.* that Queen was impower'd to exercise the Ecclesiastical Supremacy, and did set up a High Commission Court to restrain the Growth of Popery, and to support the Establish'd Church of *England.*

Now because the Commissioners had proceeded in such Cases with too much Severity, and, as commonly thought, with too much Arbitrary Power; therefore there was another Act, *17 Car. I. Chap. 2.* for repeal of the Branch of a Statute, *1 Eliz.* concerning Commissioners for Causes Ecclesiastical, enacting, That the said Clause empowering the Queen to commission any Persons to exercise Ecclesiastical Jurisdiction, &c. shall be made void for ever; and that no new Court shall be erected with the like Power, Jurisdiction or Authority, as the said Commission-Court hath, or pretendeth to have.

The High-Commission Court being thus put down; some Papists and some Dissenters would have deny'd that there was any Power remaining in the Church; and did pretend, that all manner of Coercive Jurisdiction was taken from the Archbishops and Bishops, and other Ordinaries. To obviate this Objection, there was another Law made, *13 Car. II. chap. 12.* intitl'd, *An Act for Explanation of a Clause contained in an Act of Parliament*

Parliament made the 17th Year of the late King Charles, &c. reciting, That upon the said Statute of 17 Charles I. some Dóubt had been made, that all ordinary Coercion and Proceedings in Causes Ecclesiastical were taken away, whereby the ordinary Course of Justice, in Causes Ecclesiastical, had been obstructed. It was therefore enacted, That neither the said Act, nor any thing therein contained, doth, or shall take away any ordinary Power or Authority from any of the said Archbishops, Bishops, or any other Person or Persons named, as aforesaid. — And further enacted, That the fore-recited Act of decimo septimo Caroli, and all the Matters and Clauses therein contained, (excepting what concerns the High Commission Court, or the erection of some such like new Court by Commission) shall be, and is hereby repealed. — Provided always, that neither this Act, nor any thing therein contained, shall extend to be construed to revive or give force to the said Branch of the said Statute, made in 1 Eliz. and mentioned in the Act 17 Car. I. but that the said Branch of the said Statute 1 Eliz. shall stand and be repealed in such sort as if this Act had never been made.

This Act, 13 Car. II. was now interpreted to restore to the Crown a Power of erecting a High Commission Court, tho with less Power of fining, imprisoning, &c. but it had been formerly thought to extinguish all such extraordinary Courts, and therefore none such had been erected in the Reign of King Charles II. So that the very granting of this new Commission was by many of the best Lawyers thought illegal ; and the very Creatures of the Court seem'd to be conscious of it : for tho it was granted in the beginning of April, yet it was not open'd till the beginning of August following. And then it was thought strange, that the Power of Excommunication, which is a pure spiritual Act, should be granted to meer Laymen ; for the *Quorum* in the Commission were the Chancellor, and any other two Persons.

Is it not very surprizing, after all this, that in a Debate in the last Reign, touching the Deprivation of the Simoniackal Bishop of *St. Davids*, some noble Lords should make a large advance towards shewing the Necessity of such an *Ecclesiastical Commission*, and would not allow but that there must be a failure of Justice without it? But I will not say that they were any of those who had acted in this.

Having said thus much concerning the Illegality of this Commission, it will not be improper to add the Sentiments of the Prince of *Orange* concerning it, in the 7th Article of his Declaration from the *Hague*, on the 10th of *Octob.* 1688. in these Words.

7th Article
of the Pr. of
Orange's
Declarati-
on concern-
ing the Ec-
clesiastical
Commission.

‘ In order to Ecclesiastical Dignities and Offices, they have not only without any colour of Law, but against most expresse Laws to the contrary, set up a Commission, of a certain number of Persons, to whom they committed the Cognisance and Direction of all Ecclesiastical Matters: in the which Commission there has been, and still is, one of his Majesty’s Ministers of State, who makes now publick Profession of the Popish Religion; and who at the time of his first professing it, declar’d, that for a great while before he had believ’d that to be the only true Religion. By all this, the deplorable State to which the Protestant Religion is reduc’d, is apparent, since the Affairs of the Church of *England* are now put into the Hands of Persons who have accepted of a Commission that is manifestly illegal, and who have executed it contrary to all Law: and that now one of their chief Members has abjur’d the Protestant Religion, and declares himself a Papist; by which he is become incapable of holding any publick Employment. The said Commissioners have hitherto given such Proof of their Submission to the Directions given them, that there is no rea-
‘ son

son to doubt but they will still continue to promote all such Designs as will be most agreeable to them. And those evil Counsellors take care to raise none to any Ecclesiastical Dignitys, but Persons who have no Zeal for the Protestant Religion, and that hide their unconcernedness for it, under the specious Pretence of Moderation. The said Commissioners have suspended the Bishop of *London*, only because he refus'd to obey an Order that was sent him to suspend a worthy Divine, without so much as citing him before him to make his own Defence, or observing the common Forms of Process. They have turn'd out a President chosen by the Fellows of *Magdalen-College*, and afterwards all the Fellows of that College, without so much as citing them before any Court that could take legal Cognisance of that Affair, or obtaining any Sentence against them by a competent Judge: and the only reason that was given for turning them out, was, their refusing to chuse for their President a Person that was recommended to them by the Instigation of those Evil Counsellors, tho the Right of a free Election belong'd undoubtedly to them; but they were turn'd out of their Free-holds, contrary to Law, and to that express Provision in the *Magna-Charta*, *That no Man shall lose Life or Goods, but by the Law of the Land*. And now these evil Counsellors have put the said College wholly into the Hands of Papists, tho, as is abovesaid, they are incapable of all such Employments both by the Law of the Land, and the Statutes of the College. These Commissioners have also cited before them all the Chancellors and Archdeacons of *England*, requiring them to certify to them the Names of all such Clergymen as have read the King's Declaration for Liberty of Conscience, and of all such as have not read it; without considering, that the reading thereof was not enjoind the Clergy

' by the Bishops, who are their Ordinaries. The
 ' Illegality and Incompetency of the said Court of
 ' the *Ecclesiastical Commissioners* was so notoriously
 ' known, and it did so evidently appear that it
 ' tended to the Subversion of the Protestant Reli-
 ' gion, that the most Reverend Father in God,
 ' *William* Archbishop of *Canterbury*, Primate and
 ' Metropolitan of all *England*, seeing that it was
 ' rais'd for no other end but to oppress such Per-
 ' sons as were of eminent Virtue, Learning,
 ' and Piety, refus'd to sit, or to concur in it.

The next and last Shock, or rather mortal
 Blow given the *Ecclesiastical Commission*, and all
 the Irregularities of this Reign, was by the Lords
 and Commons Declaration of Right; the Words
 whereof, as to the Commission, are these.

' That the Commission for erecting the late
 ' Court of Commissioners for Ecclesiastical Causes,
 ' and all other Commissions and Courts of the
 ' like nature, are illegal and pernicious.'

It cannot be thought improper to hint here,
 that it was enter'd in the Journal of the House of
 Commons, Feb. 1. 1688-9. That the unanimous
 Thanks of that House were then given, *Nemine*
Contradicente, to the Clergy of the Church of
England, for the great Services they had done
 their Religion and Country, by the Opposition
 they had made to the Execution of the *Ecclesiasti-*
cal Commission, and their refusing to read the King's
 Declaration for a Toleration, which was then
 founded upon the Dispensing Power.

No body, I presume, will suppose the Bishops
 who acted in that Commission, were included in
 this Vote. 'Tis indeed alledg'd, in favour of one of
 them, That he renounc'd that Commission in his
 printed Letter to the Earl of *Dorset*, which yet
 is own'd to be written only for a mitigation of
 his Offence, and not to justify his sitting in that
 Court. This is acknowledg'd to be true: but this
 Letter was wrote, as some affirm'd, after the Re-
 volution,

volution, when the Mischief was over, and the Commission no more in being.

Some again were so ill-natur'd at this time as to call to mind a Pindarick Ode, writ by the Bishop on the happy Memory of *Oliver Cromwell* Protector, and dedicated to Dr. *Wilkins* then Warden of *Wadham*, wherein he gave that Usurper the Title of *Prince* : The Ode began thus.

*'Tis true, Great Name, thou art secure
From the Forgetfulness and Rage
Of Death, or Envy, or devouring Age.
Thou canst the force of Teeth and Time endure;
Thy Fame, like Men, the older it doth grow,
Will of it self turn whiter too,
Without what needless Art can do, &c.*

As for his Colleague the B—— of D——, ^{us ham} so famous for Pro-~~test~~s, 'tis most certain he *Nath. Crew.* shew'd some Disgust against the Commission, when it was just upon expiring : and who can question his Lordship's great Affection for the Church, since he so lately signaliz'd himself in the Case of the Doctor? I shall conclude this History with a short Account of the Lives and Characters of those who are dead, and had acted in the *Ecclesiastical Commission*. Let us begin with the Chancellor, the Mouth of them all.

The Lord *Jeffreys* was born in the County of ^{Lord} *Denbigh* in *North-Wales*; and if you will believe *Jeffreys*, a *Welch* Pedigree, was paternally descended from *Tudor Trevor*, Earl of *Hereford*. From a *Westminster* Scholar, without any Advantage of Academical Learning, he became a Student in the *Inner-Temple*, in an obscure Apartment; his Allowance being so very scanty from a penurious Father, that he frequently made very mean Shifts to support himself. His first Appearance at the Bar was in 1666, the Sicknes-Year, at *Kingston* Assizes : to

which, some said, he was never regularly called. Then he sets up for a *Fortune-hunter*; but his Love-Intrigue with the only Daughter of a Citizen, worth 30000 *l.* being unluckily detected, he then took up with her Confident and Companion, a Parson's Daughter, with a Pittance of 300 *l.* which, 'tis said, enabl'd him to buy a poor Place in *Whitechappel-Court*. After her decease, he remarry'd the Widow *Jones* of *Funmen* in *Glamorganshire*, a Daughter of *Sir Thomas Bloodworth*, and an Acquaintance of *Charles II.* King of *England*, who recommended her to him. In gratitude for which, as well as from a natural Inclination to Tyranny, he shew'd a wonderful Complacency towards the Court, in the Designs then on foot to destroy the Liberties of *England*; for which he was first made a Judge in his own Country; thence promoted to be Chief Justice of *Chester*. He was made a Serjeant at Law in 1681. and being by the Interest of his Name-sake, Alderman *Jeffreys*, chosen Recorder of *London*, he was for his Activity against those who petition'd for the sitting of the Parliament, pretty well manag'd by the House of Commons, who address'd to have him remov'd from all publick Employments; and there was an Order of the House, *That the City-Members should communicate this Vote to the Court of Aldermen*: who presently discarded him of his Recordership with contempt. In revenge of which, he advis'd his Master to bring a *Quo Warranto* against the City. And being now advanc'd to be Lord Chief Justice of the *King's-Bench*, he there acted the Tyrant in perfection: and as he had an excellent Talent at *Billingsgate*, his own dear Royal Master King *Charles* could not forbear giving him the Character of having *more Impudence than ten carted Whores*. This was the *Drawcanfir* of *Westminster-Hall*, who when no body else would venture it, admitted the Popish Lords in the Tower to Bail, tho' impeach'd by the Commons, and com-

committed by the Lords. Great was his Compassion and Humanity, and many were the noble Stratagems he us'd towards the Wretches in the *West*. And so upright and disinterested a Judge was he, that he took no more than 14500 *l.* to save Mr. *Prideaux's* Life, who was not actually in the Rebellion: before which he was made Baron of *Wem*. And now, for the many human Sacrifices he had lately offer'd, his Master King *James* could do no less than gratify his Ambition with the Chancellorship, and the Custody of his Conscience; who between them making no Conscience of invading the Religion and Liberties of *England*, the latter were in the end too hard for them: And having forc'd the Master to *abdicate*, the Chancellor was all on a sudden transform'd into a *Wapping-Tar*; in which Disguise he was taken and committed to the Tower, where he fell to drinking Brandy as his only Comfort. Which yet being not potent enough to support his sinking Spirits, was however strong enough to suppress them; *Dies in the* and he died there the 18th of *April*, 1689. *Tower.* as if his large acquir'd Fortune had been blasted by Fate, it was quickly Moth-eaten, and scarce any of it, a dozen years after, left in his Family.

The Enemies of this noble Lord characteriz'd *Lord Pre-* him thus: That he was cut out by Nature for a *sident.* Politician, he being endow'd with a ready penetrating Wit, and extended Forecast, and sedate Spleen; a nice Observer as well as a subtle Flatterer of the Failings and Weaknesses of Princes, two Qualities that were to gain and keep an Ascendant over them. Then they launched out, yet without asserting any thing positively, into Accusations of his Unfaithfulness to King *James*. In opposition to which Charges, his Friends asserted, the Earl had from the beginning faithfully serv'd King *James*, as became a Protestant Subject; that he opposed the King's assuming a dispensing Power; that

The HISTORY of

that tho he acted in the * *Ecclesiastical Commission*, yet for a good while he defended *Magdalen-College*; that he was against dissolving the Parliament; that he so openly oppos'd the Prosecution of the Bishops, that he expos'd himself to the Fury of the Popish Party; and that tho he pretended to turn Roman Catholick, to prevent his immediate Ruin, yet he still continu'd to be the Object of their Hatred; that there were no Proofs of his entertaining any private or treasonable Correspondences with the King's Enemies; that his introducing of Father *Peters* into the Council, was only a prudential and allowable piece of Policy, to bring upon the Jesuits all the Odium of the People, for the irregular Conduct of the Court; that the Prince of *Orange's* Undertakings against a King that had so powerful a Force both by Sea and Land, seem'd so extraordinary, not to say extravagant, to every body, that not knowing how to give credit to it, he did not think himself oblig'd to lay any Weight upon Mr. *Skelton's* Informations; and that upon the News of the Prince's Coming, he advis'd the King to call a free Parliament, and to depend upon that, rather than upon any foreign Assistance, which was not only unnecessary, but also most dangerous. People may judge of these things as they please, this is

* *Then the Ecclesiastical Court (says he in his Letter of March 27. 1689.) was set up; in which there being so many considerable Men of several kinds, I cou'd have but a small part: and that after Lawyers had told the King it was Legal, and nothing like the High Commission Court, I can most truly say, and it is well known, that for a good while I defended Magdalen-College purely by Care and Industry; and have hundreds of times beg'd of the King never to grant Mandates, or to change any thing in the regular course of Ecclesiastical Affairs; which he often thought reasonable; and then by perpetual Importunities was prevail'd upon against his own Sense: which was the very case of Magdalen-College, as of some others.*

certain,

certain, that his Lordship had a better Fate than most of his Fellow-Commissioners. He died in Favour with his Prince, in his Native Country, and at his own House in *Northamptonshire*, on the 28th day of *August*, 1702. whereas the others, who are already dead, made their Exits, at they deserv'd, either in Prisons, Exile, or the utmost Neglect and Discontent.

Theophilus Earl of *Huntington*, was another of these Commissioners for Ecclesiastical Affairs; wherein he had as little Knowledge as some of them had Honesty. However, being a Privy-Counsellor, Captain of the Band of Pensioners, and Colonel of a Regiment of Foot, he was thought to be sufficiently qualify'd for this important Work; in which he had a share as long as the Commission lasted: and being upon the Landing of the Prince of *Orange* with his Regiment in *Plymouth*, the Earl of *Bath* and his own Lieutenant Colonel and Kinsman *Ferdinando Hastings*, found it no very difficult Task to impose upon his Understanding, and to secure his Person, as they did the Place for the Prince. He continu'd a Malecontent ever after, and was so far from complying with the Protestant Reign which follow'd, that the noble Lord *Hastings*, his Son, felt the severe Effects of it, for the contrary Paces he made, till reliev'd by the Death of his penurious and perverse Father, which happen'd in *April*, 1701.

*Dies a /
Non-juror.*

Another of these Ecclesiastical Commissioners was *Thomas Cartwright* Bishop of *Chester*, a Native of the antient Borough of *Northampton*, Puritanically bred; was first a Student in *Magdalen-Hall, Oxon*, then mov'd to *Queens-College*; and becoming Vicar of *Walthamstow* in *Essex*, in the times of Usurpation, was a very confident and forward Preacher for the Cause then in being; but upon the King's Restoration, set up for Loyalty as much

as

as any Cavalier of them all, was made Domestick-Chaplain to *Henry Duke of Glocester*, procur'd himself to be actually created D. D. tho not of full standing; and after having obtain'd other Preferments, and particularly the Deanary of *Rippon*, in 1675. he put in, before his Seniors, for a Bishoprick, especially for that of *St. Davids*; but to his great Disappointment was put aside by *Dr. Womack*. However, having at length obtain'd the Bishoprick of *Chester* upon the Death of the most learned *Dr. John Pearson*, in 1686. and kept his Vicaridg of *Barking*, and the rich Rectory of *Wigan* in *Lancashire*, in commendam with it, he gave himself up entirely to his Interest, and therefore shew'd himself forward upon all occasions to run in with King *James's* Humour, purposely to obtain a Translation to a better Bishoprick. For the furtherance of which, he made it his sole Endeavour to be gracious with the then great and leading Men, and to make his Appearance in all publick Assemblies, particularly in those wherein the Popish Bishops were consecrated. He became a *false Brother*, and a Spy upon the seven Bishops, when they were preparing their Petition to the King against reading the Declaration of Indulgence; and in short, grew to be so universally hated by all *True Sons of the Church of England*, that upon the Arrival of the Prince of *Orange*, he thought it his best way to withdraw privately, to skulk, and in a disguised Habit to follow his Master into *France*, and after that into *Ireland*; where being despised, hated, and teased in his very last Hours, by the Papists, he died poor and unpitied on all sides, on the 15th of *April*, 1689. at *Dublin*.

*Dies poor
at Dub-
lin.*

Sir Rob. Wright. As for the Chief-Justice, *Sir Robert Wright*, he was from a Person not very much known at the Bar, advanc'd to be Lord Chief-Justice of the *King's-Bench*; the Court, no doubt, having sufficient Assurance of his ready compliance with the
arbitrary

arbitrary Proceedings of the Times. Many Instances of which he gave at the Bishops Trial ; more particularly when the Counsel for their Lordships were arguing, tho with much Caution and Modesty, against the *dispensing Power*, Sir Robert spake aside, and said, *I must not suffer this, they intend to dispute the King's Power of suspending Laws.* To which, that excellent Lawyer and Patriot Sir John Powell making answer, ' That the ' Bishops Counsel must necessarily fall upon that ' Point ; for if the King had no such Power, (as ' clearly he had not in his Judgment) the natural ' Consequence would be, that the Bishops Petition would be no diminution of the King's Regal Power, and so not seditious or libellous : Wright rudely reply'd : *Brother, I know you are full of that Doctrine ; but however, my Lords the Bishops shall have no occasion to say, that I deny to hear their Counsel. Brothers, you shall have your Will for once, and I will hear them ; let them talk till they are weary.* This was the last Drudgery Wright did for the Court : for the Noise of the Prince of Orange's Expedition put him and other Adventurers for the Destruction of our Religion and Liberties upon Caution. His Popish Brother-Judge *Allybone* civilly dies before the Revolution, which sent the Chancellor to the Tower, but the Chief-Justice to *Newgate*, the fittest place for him to make his Exit in. *Dies in Newgate.*

Sir Edward Herbert was the youngest Son of Chief-Sir Edward Herbert, some time Keeper of the Justice Great-Seal to Charles II. in his Exile : During Herbert, which Sir Edward died neglected, at *Roan* in *Normandy*. Sir Edward, the Son, after he had studied the Law in the *Middle-Temple*, being not able to subsist by his Profession, took, as some said, that of a Soldier upon him in the Horse-Guards at *Dublin* ; where, however it came about, in process of time, his Knowledge in the Law

L made

made him be taken notice of, and promoted to be Attorney-General; after that he succeeded *Jeffreys* as Chief-Justice of *Chester*, and was made Attorney to the Duke of *York*, who (when King) in *October*, 1685. made him Lord Chief-Justice of the *King's-Bench* and a Privy-Counsellor; but not long after, for his greater Profit, remov'd him to the *Common-Pleas*, where continuing till the Revolution, he follow'd the Fortune of his abdicated Master, first into *France*, then to *Ireland*, and so back again with him into *France*, where he became his Nominal Lord-Chancellor: and notwithstanding all his Services, and his being excluded out of the Act of Indemnity in *England*, he had the Misfortune to be first accused by the Papists of speaking disrespectful Words of the King; of which he had no sooner clear'd himself, but he was charg'd with Correspondence with *England*, tried and imprisoned, and at last died in Disgrace and Contempt.

*Dies in
Exile and
Disgrace.*

*Sir Tho.
Jenner.*

The Author of that famous Compliment, *Grief in one hand, and Sorrow in the other*; I mean, the wise Recorder of the City, *Sir Thomas Jenner*. Certainly there scarce ever was in this Nation such a stupid Dealer in the Law as himself; and yet he must, forsooth, be a Baron of the the Exchequer, and an *Ecclesiastical Commissioner*: However, there was one Happiness attending him, That he was so inconsiderable and worthless a Tool, that tho he liv'd several Years after the Revolution, at his House at *Petersham* near *Richmond*, he continu'd unmolested; tho at the same time despised and neglected to the last degree of Infamy, till the Hour of his Death, which no body thought worth recording.

As for the rest that were concern'd in this wicked and illegal Commission, Fortune has been so fantastical, that she has sometimes rais'd 'em up, sometimes flung 'em down. They are now at the top of her Wheel, but may expect the Round will come about to the Point of their Merit, and we shall then talk of 'em with the same Sincerity and Truth as we have done of their departed Brethren.

A P P E N D I X.

*An INSCRIPTION intended to
be set up for one of the Ecclesiastical
Commissioners,*

W H E N
By the happy Effects
of his Ministry
The
Chappel of *St. St* — is become
a Chappel to the Jesuits.

Approv'd by the General, and
By Father *Le Chaise*.

T O
The eternal Memory
of
the *aforesaid*, &c.

A Person form'd by the Stars for daring Exploits,
Inspir'd by the happy Genius of our Society,
And by the Insolence of his own Temper
Fitted for Arbitrary Power.
A constant Friend to *France* in all Reigns:
A true Lover of Tyranny in all Persons:
An Enemy to Moderation in all Times.

An Epitaph design'd

Not obscuring, but exceeding the Merits of his Father,
 Whose Sale of one Town ought not to be nam'd
 With that of three Kingdoms,
 And all *Europe*.

The Father procur'd a barren Bed,
 And exalted the Product of his own :
 But his Son projected greater things,
 And tore out three Leaves with as much ease
 As the Son of *Philip* cut the Gordian Knot.

What did he intend

By marrying one Daughter to the E. of D. for *England*,
 Another to the D. of O. for *Ireland*,
 And offering a third to the E. of A. for *Scotland* ;
 What was it but to aspire to the highest Titles,
 In which he was sure of our Support?

He was early initiated in our tremendous Mysterys,
 And always active to promote our holy Cause.
 None thought so fit to ruin the Protestants in *Poland*,
 Or to attempt that of *Dantzick*,
 And the Cities of *Prussia*,

To countermine Sir *William Temple's*
 Sincere Negotiations.

Securing to *France* what he intended for *Spain*, and
 Betraying the *Dutch*, the better to subdue the *English*.
 Nurs'd with the Milk of Slavery :

A Pensioner to *Lewis the Great*,
 An Enemy to the *English* Constitution,
 And the rapacious Oppresser of his Fellow Subjects :
 Which made a stubborn Parliament
 Vote him a Foe to the King and Kingdom.
 So great a Favourer of the D. of *Y*.

As to be suspected by King *Charles the Second*,
 Whose seasonable and unnatural Death
 Prevented our Hero's Banishment and Disgrace.

He was L. H. T.

And first M. of S.

To our blessed Disciple and Confessor,
 The Martyr's Son, *J.* the Just ;
 When he bravely laid aside the use of Parliaments,
 And arbitrarily levy'd Taxes by his own Authority.

First Layman in the *H. C. C.* (tion :
 The noblest Machin of it self to dispatch the Reforma-
 But a thousand times more effectual under such a

Manager,

The Warmth of whose Genius might kindle all our
 Fires.

He

He stoutly oppos'd the *Abdication*,
The Bill of *Abjuration* and *Recognition*.
But above all, and for the sake of all,
His Master-piece must eternally shine in our Annals,

For getting himself
To be first M. to King *William*,
Tho Brother-in-Law to King *James*,
And an Opposer of all his Designs.
Ever since the Revolution :
An Attempt even to be envy'd by a Jesuit.

The Secretary of the H. C.

He has made a S. of S.
And soon was the whole C.
To be brought into the M.

To this we owe

The seasonable Dissolution of the last Parliament, 1700.
Which gave a happy Opportunity to the K. of *France*

To make his Grandson Viceroy of *Spain* ;

Kept the *Dutch* Hereticks unresolv'd,

And the *English* Hereticks unprepar'd :

Weaken'd their Conduct by the Administration in his
own Hands :

Lulling them asleep :

Dispiriting and Menacing all

By his trusty Emissarys and Fellow-Conspirators.

This hinder'd the Friends of Liberty from lending
Mony :

For who wou'd lend while he govern'd ?

By these Means,

And our Assistance,

He meant to accomplish as sudden a Change,

And with as little Opposition

As the late curst Revolution.

For which Services,

As well as others innumerable,

And his striking the great Blow at *Universal Monarchy*,

Which is now on the point of being establish'd,

The Society is bound to acknowledg

ETERNAL GRATITUDE.

A Translation of the SPEECH made
to the King of Poland, 1677. to which
Allusion is had in the *Inscription*.

Most Illustrious Prince,

THE King, my Master, has commanded me to let your Majesty know the Resolution he has taken to concur in all Points with the Most Christian King ; giving your Majesty all possible Assurance in the establishing your Majesty's Title, in such ways as your Majesty shall judg most effectual to the securing your Crown and Dignity, and the future Honour and Safety of the Queen and the Royal Issue.

The King, my Master, is truly sensible of the great Misfortune of those Princes, whose Power must be bounded, and Reason regulated by the fantastick Humours of their Subjects. Till Princes come to be freed from these Inconveniencies, the King, my Master, sees no probable Prospect of establishing the Most Holy Apostolick Roman Catholick Religion.

In order to promote your Majesty's Affairs, the King my Master has written to the Kings of Sweden and Denmark, to the Elektor of Brandenburg, and other his Majesty's Allies in those Parts, That notwithstanding the Wars and Differences betwixt those Princes, they afford your Majesty all possible Assistance in your Majesty's Pretensions to Dantzick : He has also oblig'd the Prince of Orange to divert the States of the United Provinces from interposing in that Affair, either by dissuading your Majesty, or giving Assistance to the rebellious Inclinations of the Citizens of Dantzick.

The King, my Master, has commanded me to assure your Majesty, that as soon as he can dispose of Affairs, so as to effect a general Peace, (the speedy accomplishment of which he doubts not of, the Most Christian King having left the whole Affair in his Hands) he does not question but by the Assistance and Concurrence of the Kings and Princes concern'd, to put an end to all the Factions and vain Pretences, not only of the Free and Hans-Towns, but also to the Dutch Republick ; who have upon all occasions not only threaten'd the Prince of Orange, but also the Kings and Princes in these Parts of the World ; their pretended Liberty having been of pernicious Consequence, by their rebellious Example.

And

And for the better effecting these good Ends, that are wished for, and desir'd, (the particulars whereof I shall set down more hereafter) I am commanded by the King, my Master, to join with the Most Christian King's Ambassador in this Court, the Count de Bethune, to desire your Majesty to give what Succours can be afforded from this Kingdom, in order to the giving Life to the Malecontents in Hungary, the better to dispose the Emperor and the Confederacy to accept of such Terms of Peace as shall be judg'd reasonable for your Majesty's Service and Interest, and the other good Ends before premised.

The True Patriot Vindicated :

O R,

A Justification of his Excellency the E—— of R———, Lord Lieutenant of Ireland, from several false and scandalous Reports.

The First Part.

SUCH is the Fate of all Great Men, that they must expect Detractors. If any Man might pretend to an Exemption, the Person whose Apology I am writing, is the likeliest. His great Merits to the King, from his coming over, and those so justly rewarded with such high Favours : Governing one Kingdom *in Person*, another *by his Pupil*, and the principal of the three *by his Counsel* ; well supported by his Party, and above all happy in his Temper and Discretion. And yet this Man cannot escape without Enemies, and malicious Stories are scattered abroad to lessen his high Character.

I shall not think it worth while to rake together every spiteful and impertinent Tale, whisper'd concerning him, but leave them to perish in Obscurity with their Authors. I shall confine my self to those Objections which seem to leave the greatest Impressions on Mens Minds to his disadvantage. And
if

if I can wholly justify him, or at least render him very excusable as to every one of those, other things will fall of course, and honest Men will be no longer seduc'd to doubt his being that true Patriot which his Friends publish him to be.

The first Objection then which is made to him, and which seems most directly to contradict this Character of him, is, That when he was Lord Treasurer to King *James*, he issu'd out Orders, and caused to be levied the Duties of Tonnage and Poundage, and other Customs, for several Months after the Death of King *Charles*, without any Warrant or Authority of Law. This Charge is very maliciously aggravated. 'Tis said to be directly contrary to the famous Statute *de Tallagio non Concedendo*, and above twenty other antient Laws: To be a direct violation of the *Petition of Right* in the third Year of King *Charles* the First: To be a much higher thing than the *levying of Ship-mony*; and the less excusable, because it came after that was solemnly condemn'd. You see how Envy can improve things. It will not be allow'd that such Actions can consist with the Character of a Patriot. It is said this was of all others the most fatal Stroke to our Constitution, and is totally inconsistent with Property and Parliaments.

As specious as this Charge appears, I hope to vindicate this noble Earl from it; or, which is all one, to shew that there are Men in the World who are obliged, and are (above all others) able to do it.

It is undoubtedly a Question of Law, whether the Customs may be levied without consent of Parliament; and who but Lawyers are fit to judg of that Question? I appeal to every Man, if amongst all who call themselves by the Name of Lawyers, there can be found two persons who pretend to be more nice in discerning what is agreeable to the *English* Constitution, and more zealous in maintaining it, than Sir *Bartholomew Shower*, and Sir *Humfry Mackworth*. Are there two Men whose Opinions, even in Mens Thoughts at this time, the noble Earl could more safely follow than theirs? If then I can shew that in the opinion of these two learned Persons, the Collection of the Customs in that case was not only lawful, but a gracious Act in King *James*, founded upon as good Right as *Magna Charta*, and much more antient, and that all who were against it were Enemies

mies to the Peace and Welfare of the Kingdom——
I hope I have made a good Step toward the Justification of the noble Earl. To do this, I shall not produce an Opinion given in private, but openly in the face of the Kingdom, presented to King *James*, and publish'd in the *London Gazette*, N^o 2015. In the Article from *Whitehall*, March 7. 1684. it is said, 'The following Address from the *Middle-Temple* was presented by Sir *Humphrey Mackworth*, accompanied with a great many Barristers and Students, being introduced by his Grace the Duke of Beaufort.

Most Dread Sovereign,

WE your Majesty's most Dutiful and Loyal Subjects, with all Humility congratulate the legal and peaceable Descent of this Imperial Crown upon your Majesty, the only Remedy for our unspeakable Sorrow for the Death of our late most Gracious Sovereign, of ever-glorious and blessed Memory.

Your Majesty's unparallel'd Justice, Courage and Conduct (signaliz'd to the World before they became Ornaments to the Crown) give a perfect Assurance of Happiness to these Nations under your Government. We cannot therefore but with the deepest sense of Gratitude acknowledge your Majesty's great Goodness and Condescension in your late Declaration, and in particular, That your Majesty hath been graciously pleas'd in pursuance of the same to extend your Royal Care of the Government to the Preservation of the Customs, the Intermiſſion whereof would not only have disabled your Majesty to maintain the Navy in defence of the Realm, but by taking away the Ballance of Trade, have ruin'd Thousands of your Majesty's Subjects that paid Custom in the life of our late Sovereign, and by an excessive Exportation and Importation Custom-free, have render'd that Branch of the Revenue unprofitable for some Years to come, notwithstanding all the Care and Loyalty of the succeeding Parliament. For which reasons the same have been continually receiv'd by your Majesty's Royal Predecessors for some hundreds of Years, and never question'd by any Parliament, unless in that wherein were sown the Seeds of Rebellion against the Glorious Martyr, your Royal Father of ever-blessed Memory.

'Tis a receiv'd Maxim of the Common Law, *Theſaurus Regis est Vinculum Pacis & Bellorum Nervi*; such is the happy Constitution of this Monarchy, That your Majesty's High Prerogative is the greatest Security of the Liberty and

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Property of the Subject ; so that whoever would impair the Revenue of the Crown, must by this Fundamental Law (as binding as Magna Charta, and more Antient) be esteem'd an Enemy to the Peace and Welfare of this Kingdom.

We therefore think it our indispensible Duty to endeavour the Choice of such Representatives for the respective Counties and Boroughs to which we belong, as may not only concur in settling a Revenue to support the Government as formerly, but also shew a grateful sense of the great things you have done and suffer'd for us already, an intire Confidence in your Majesty's Goodness towards us for the future, and a cheerful Compliance with your Heroick Inclinations to advance the Honour and Interest of these Nations. May there be never wanting Millions as Loyal as we are, to sacrifice their Lives and Fortunes in defence of your Sacred Person and Prerogative in its full Extent, and incessantly pray the King of Kings to grant to your Majesty a long and happy Reign over us.

It may be pretended, that tho it be certain that Sir *Humfrey Mackworth* presented this Address, yet nothing more can be certainly collected from the Gazette. To this I say, that if there were any danger of these Gentlemens *Receding* (which I can never suspect in Men of their Virtue and Publick Zeal) the Original Address hapens to be extant, and may be resorted to, where both their Hands appear; and there are Men of great Quality alive, who can prove that Sir *Barth.* did not only bear Sir *Humfrey* company at the presenting of it, but put a just Value upon himself, as being the happy Penman of so significant a Compliment to *K. James.* It must be confess'd I did hope to have strengthen'd my Argument from the weight of some other Names to that Paper, but I find them upon perusal to be so very obscure and unknown (tho it be call'd an Unanimous Address) that I do not pretend to draw any great Consequences from them to make good my Defence of the Earl. But I want them not, these two Names are worth hundreds, they are forthcoming, are at the head of the Management; and whenever they shall be call'd upon, will be ready (as Men of Honour ought to be) to make good their Positions, and to shew that they were not Time-servers, and did not mislead the Noble Earl.

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I have been considering what Malice can say against this Argument (for Malice I expect should say all it can upon the Occasion.) Suppose then it should be said (as it has been) that Sir *Humfrey Mackworth* was a younger Brother without any Fortune, or Name in his Profession; that it is true, he had been knighted, but it was for Revelling, not Law, and that probably this is the only Opinion he was ask'd to give either before or since.

To this I shall reply, that if Scurrility may pass for Argument, every body may be run down. I shall use two Instances only to shew him to be a great Man in himself, let the World judge as they please. His Notable Management of the Mine-Adventure, which if well consider'd, is a convincing Proof of his Truth and Honesty; and his Vindication of the Rights of the Commons of *England*, is no less a proof of his Modesty in undertaking, his Candour in true repeating Matter of Fact, and his Judgment in managing that Controversy.

But suppose Sir *Humfrey's* Opinion alone might not have had weight enough to have warranted an Action of so great consequence, yet when Sir *Barth.* gives a Sanction to it, what room is left for doubt? What he maintains, passes for Law immediately, whatever Opinion People had of it before. Was there ever a Proceeding more decry'd and detested than that against the Lord *Russel*? But as soon as ever Sir *Bart. Shower* undertook to justify that whole Matter, in a Pamphlet which he call'd, *The Magistracy and Government of England vindicated*, has not every body been satisfy'd that my Lord *Russel* was try'd fairly, and suffer'd justly, and that the King and Parliament were in the wrong in reversing the Attainder? So I doubt not, tho it may appear a Paradox to say, that the King may levy Taxes without Parliament, yet when Sir *Barth.* is heard to that Point, all Men will readily acquiesce in it.

But some may think I run on too fast, and presume more than I ought on the present Opinion of that eminent Lawyer. I have been told, he has chang'd his Mind more than once in a much less time. In his Preface to his Reports of Cases adjudg'd in the House of Lords, he spoke of their Judicature as the noblest and most necessary part of

the *English* Constitution, and in a few months time he treated it in a Speech publickly in the *Middle-Temple Hall*, as a downright Usurpation. It has been also told me, when I was thought to lay too much stress upon his Support, that he got but oddly off when he was charg'd with another very solemn Opinion of his, by which the poor Soldiers suffer'd Death for deserting in King *James's* time, which some call *Murder*, and setting up Martial Law in time of Peace, (a thing very *Abhorrent* from the *English* Constitution :) But he did not think it proper or seasonable to justify either his Law or his Honesty upon the Occasion, contenting himself with saying, *He was not above 29 Years old when he did it, and had his Fortunes to make.*

For my part, I think those who call to mind loose Sayings of this sort, have very Ungentleman-like Memories. I take this learned Knight to have too great Tenderness and Regard to the Noble Earl, to desert him in so weighty a matter. He will consider that such sort of Excuses will not serve above once : It may be easy to get off when only a few poor Common Soldiers, who have been long dead and buried, are in the case ; but it will not be so when the Contest is with as many Statutes, that have many of them liv'd long, and 'tis to be hop'd they are pretty healthful still, and likely to last much longer. No, I have no doubt but whenever he shall be call'd upon he will be ready to make good the Law of his Address, and therefore I shall look upon the Noble Earl as fully justify'd in this point.

A second thing objected to this Noble Earl, is, his sitting and acting in the High-Commission Court, which is pretended to be directly against *One* express Act of Parliament, tho not against *so many* as the former Charge.

I ought to be very cautious of what I say in relation to this Point, because the *issuing and causing to be executed a Commission under the Great Seal for erecting a Court call'd, The Court of Commissioners for Ecclesiastical Causes*, was one of the Charges against the late King. But I have been assur'd by very considerable Persons, that in a Debate not long since touching the Deprivation of a Simoniackal Bishop, some Noble L——s made a large advance towards shewing the

the Necessity of such Commission, and would not allow but that there must be a failure of Justice without it.

But supposing that in all the Rigor of Law, as things now stand, this matter cannot be entirely maintain'd: Yet if I can prove the Noble Earl went herein upon as sure grounds as may justify the Action of a prudent Man in any other case, he ought not to be censur'd with Severity.

The Objections against this Commission are, That it was erected against Law, That it was intended for the Ruin of the Church of *England*, and That it was carry'd on to the establishing of Popery in the Universities.

As to all these matters, I think the Noble Earl has as much to say for himself as can reasonably be expected from any Man. As to the first, this was a Commission for Ecclesiastical Causes, and who shall judg of it but Ecclesiastical Lawyers? No man will set himself upon an equal foot for Knowledge of this kind with the Right Honourable Sir *Charles Hedges*, his Majesty's Principal Secretary of State, and Judg of the High Court of Admiralty. Was not he *Advocate* to that Commission? and was it not by his Advice they acted? Nothing surely which they did was more objectable than their Proceedings against *Magdalen-College*. And was it not upon him that the Weight of that Expedition lay? I suppose no body will affirm that the Ecclesiastical Commissioners, as to the Law-part at that time, did much rely on the then Bishop of *Chester*, or Lord Chief Justice *Wright*, or Baron *Jenner*. The Letter publish'd in the printed Relation of those Proceedings, written by the Fellows of that College, dated the 20th of *October* 1687. and directed to this Honourable Person, says they were glad of his being employ'd, because of his Learning and Ingenuity. When an Enemy makes such a Confession, had not this Noble Earl ground enough to depend upon the Legality of a Commission, where such a Man so frankly took so great a share?

Secondly, As the Noble Earl might well think himself safe in point of Law from what has been said, so most assuredly he could not think the Church could receive any detriment from that Commission, while

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while he had the Right Reverend Father in God the Lord Bishop of *Rocheſter* ſitting by his ſide. I take him to be the ſteddy Support of the Church even at this day. 'Tis he that protects the inferiour Clergy from Oppreſſion. 'Tis at the Deanery of *W——* that all the ſecret Councils of the Church are held : And therefore the Noble Earl might upon good grounds think himſelf ſecure as to hurting the Church while he kept ſuch Company.

I expect to have it objected to me, that the Biſhop has renounc'd this Commiſſion in his printed Letter to my Lord *Dorſet*, which he owns to be written only for a *Mitigation of his Offence*, and not to *juſtify his ſitting in that Court*. I acknowledg this to be true, but this Letter was wrote after the Revolution, after all the Miſchief was over, and after this Court was no more. So let the *B——* in his Humility take what ſhame he pleaſes to himſelf, I ſtill inſiſt upon it, that his Example might very well miſlead the Noble Earl.

Thirdly, The Noble Earl could never entertain a Suſpicion that this Commiſſion could be to the prejudice of the Universities, and leaſt of all to the introducing of Popery there, while the *M——* of *N——* made one of the Number of Commiſſioners, which he did to the very laſt : His Love to Learning is known by his Liberality to Dedicators : his Skill in the *Latin* Language appear'd eminently in his reading two Commiſſions lately at a Conference ; and could he be engag'd in a buſineſs which might prejudice the Universities ? As to Popery, the Noble Earl I dare ſay never heard him ſuſpected of the leaſt Byaſs to that or any thing of that kind ; and therefore he could fear nothing from a Commiſſion where he had a Companion ſo free from Superſtition, from Self-Love, from Pride, Ill-Nature, and as known an Enemy to *France* as is upon record to this day.

I expect to be hit in the teeth with his Confession and Retraction written to Dr. *Tillotſon*, and his devout kneeling at the Elevation on every ſolemn Day in the *P——* Chappel.

To the firſt of theſe the Answer is the ſame as before ; this Letter came not out till King *James* was gone. And to the ſecond, I hope that is no great

great Reflection: Why might not his L——p take the same liberty with another great Courtier, old *Naaman* the *Syrian*, who found it necessary to bow himself with his Master in the House of *Rimmon*? But I do not see how this concerns the noble Earl, whose Apology I am writing, and who surely if he did a little err, deserves great Indulgence from every reasonable Man, upon the account of his having err'd in such Company?

The third thing which the Enemies of this Noble Earl endeavour to spread abroad to his prejudice, is, (what did provoke me above all other things, because it seem'd to touch him as to his Justice and Integrity, for which he does so truly deserve to be honour'd) I mean the cutting of three Leaves out of a Book, containing the Accounts of the *Hearth-Mony*, during his Administration of the Treasury in the Reign of King *Charles* the Second, together with other scandalous Circumstances relating to that Affair.

But it pleases me infinitely to think I have the clearest Answer to give to this unworthy Surmise (for it is no more) which can possibly be imagin'd. No Man doubts of the Noble Earl's Wisdom and Foresight, and therefore it is impossible for any Man to conceive, that if he had been conscious of any indirect Practice in that matter, he would not have made use of his Power (which all will agree was very great after the time when this was suppos'd to be done) to have damn'd all Possibility of a future Enquiry. But on the contrary, which I urge as a Demonstration of his Innocence, this whole Account is open at this very day. And if any of the Enemies of this Noble Earl have a mind to examine into it, they may do it as soon as they please; and I dare say he boldly challenges them to do it. I have heard it said in Discourse by his Maligners, that he may be so bold now, because *Sir Patrick Traunt*, *Mr. Kingdon*, and *Mr. Shales* are dead, and that this Challenge was never heard of before. To this I say, tho there be no end of venomous and malicious Insinuations, yet I think it an Answer, that there are two worthy Gentlemen still alive, and of great Reputation for Integrity, who know the whole truth of this matter; I mean *Anthony Row*

Row Esq; and *William Bridges Esq;* and if it should be thought fit to have them thorowly examin'd, I do not in the least doubt but it will tend to the Honour of this Noble Earl, who is ready to abide the severest Scrutiny.

The fourth thing which is frequently objected to this Noble Earl, is surely the most foul and worst-grounded of all Slanders, as if there had been times when he was not thought a very Resolute and Zealous Protestant. But I shall easily vindicate him.

There are two things urg'd as the Grounds for this Scandal. The first is a Speech which it is pretended this Lord made many years since, when he was Embassadour to the King of *Poland*, wherein there are Passages which shew him to have been at that time in the Secret for advancing Popery and *France*, and for ruining the Liberties of *England*, and the Republick of *Holland*. Why may it not reasonably be believ'd that the Speech which is handed about is an Imposture? It is certain that *John Sobiesky* King of *Poland* was a Stranger to the *English* Language, and therefore this is not the true Discourse pronounc'd before him, and possibly it may be very unlike it. To convince the World that there is a Protection often found for Worth and Vertue, when it is least expected: Tho this happen'd many years ago, yet there is a Reverend Divine, and an unsuspected Son of the Church of *England*, *Dr. Robert South*, still living. He waited upon this Noble Earl in that Embassy: He put this very Speech for him into *Latin*, in which Tongue the Earl deliver'd it, and the World will very suddenly see the Authentick Paper publish'd by that Learned Person, which will doubtless be a full Vindication of his most honour'd Lord and Patron.

The second Occasion taken for propagating this Slander, will I hope appear very frivolous as it is mention'd. It is, that this Noble Earl in King *James's* Reign was so little fix'd and resolv'd in his Religion, that he yielded to be instructed, and was content to admit of a Dispute between some Priests of the Church of *Rome* and some Divines of our Church, in his Presence; and that after it was
over

over he remain'd so far in suspense as not to declare which Side had the better.

Supposing this Fact to be true (which the Divines who were concern'd in the Dispute may perhaps satisfy the World to be quite otherwise) I do not see what great weight can be laid on it. No Man can be too well inform'd. He might be thought obstinate and unmannerly to his Master, if he had refus'd the Conference: Nor ought his Silence to be objected to him as a Fault; every one knows how extremely well-bred the Noble Earl is, and peradventure he might think it rude to put the Priests out of countenance. Perchance he thought it Wisdom at that time to keep his mind to himself: We all know how great a Master of Taciturnity he is. But to leave this kind of Reasoning, and to put all these unjust Suspicions to an end for ever, I will give you the Character of this Noble Earl from one who knows him well, his own Chaplain Dr. *Hickman*, whose Word every body will depend on. In his Dedication of his printed Sermons to the Noble Earl, he tells him that he *asserted the Cause of the Establish'd Church in the worst of Times, and had given the World a Glorious Example both of a Patriot and Confessor*. It is sure he cannot mean since the Revolution. After so unbiass'd and disinterested a Character, I shall add no more, and I hope every one will say it is enough.

I will take notice only of one more Objection made to this Noble Earl, which I think will need little Answer. It is said, he oppos'd the putting the Crown on the King's Head, would not have had him acknowledg'd Rightful King, protested against the Bill of Recognition, and was violently against the Association, and acted the like part in most other things of that nature. Without inquiring how far these things are true, I take this to have a very seditious Tendency. It is more a Reflection on the King than the Noble Lord: It is to insinuate as if the King acted by Humour rather than Judgment, when he chuses Ministers so oddly; nay, it is to call in question his Wisdom: For most certainly, if Opposing and Obstrueting be the way to Greatness, there never will be wanting Candidates enough of that sort for his Majesty's Favour. I conclude
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therefore, that either these things are false, or else that the Noble Earl has found out some way to make more than enough amends to his Majesty for all that is past.

I shall conclude at present, till I know how my poor Endeavours are accepted, where I offer them with great Humility: if this succeed, I shall soon publish a second Part of the Apology; if otherwise, I have done too much already.

F I N I S.

Lately Publish'd,

Two Letters written in the Year 1689. by the Right Reverend Father in God, the present Lord Bishop of *Rocheſter*, to the Right Honourable the late Earl of *Dorſet*, concerning his ſitting in the Eccleſiaſtical Commiſſion in the Reign of K. *James II.*